

1
2 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3 _ _ _ _ _ X
EDWARD CARTER, FRANK FIORILO,)
4 KEVIN LAMM, JOSEPH NOFI, and)
THOMAS SNYDER,)

5)
Plaintiffs,)
6)

-against-)
7)

) Index No.
) CV 07 1215

8 INCORPORATED VILLAGE OF OCEAN)
BEACH; MAYOR JOSEPH C.)
9 LOEFFLER, JR., individually)
and in his Official capacity;)
10 former mayor NATALIE K.ROGERS,)
individually and in her)
11 official capacity, OCEAN BEACH)
POLICE DEPARTMENT; ACTING)
12 DEPUTY POLICE CHIEF GEORGE B.)
HESSE, individually and in his)
13 official capacity; SUFFOLK)
COUNTY; SUFFOLK COUNTY POLICE)
14 DEPARTMENT OF CIVIL SERVICE;)
and ALLISON SANCHEZ,)
15 individually and in her)
official capacity,)

16)
Defendants.)
17 _ _ _ _ _ X

18 DEPOSITION OF PAUL CAROLLO
New York, New York
19 August 11, 2009
20
21
22
23

24 Reported by:
Judi Johnson, RPR, CRR, CLR
25 Job No.: 24107

Page 2	Page 3
<p>1 2 926 RexCorp Plaza Uniondale, New York</p> <p>3 4 August 11, 2009 1:30 P.M.</p> <p>5 6 7 8 9 10 11 12 13 Deposition of PAUL CAROLLO, held at 14 the offices of RIVKIN RADLER, LLP, 926 15 RexCorp Plaza, Uniondale, New York, pursuant 16 to Notice, before Judi Johnson, a Registered 17 Professional Reporter, a Certified Realtime 18 Reporter, a Certified LiveNote Reporter and 19 Notary Public of the State of New York.</p> <p>20 21 22 23 24 25 TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO 2 APPEARANCES: 3 THOMPSON WIGDOR & GILLY, LLP 4 Attorneys for the Plaintiffs 5 85 Fifth Avenue 6 New York, New York 10003 7 8 BY: ARIEL GRAFF, ESQ. 9 10 MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C. 11 Attorneys for GEORGE B. HESSE 12 530 Saw Mill Road 13 Elmsford, New York 10523 14 15 BY: KEVIN W. CONNOLLY, ESQ. 16 17 RIVKIN RADLER, LLP 18 Attorneys for INCORPORATED VILLAGE OF OCEAN BEACH, 19 JOSEPH LOEFFLER, NATALIE ROGERS AND OCEAN BEACH 20 POLICE DEPARTMENT 21 926 RexCorp Plaza 22 Uniondale, New York 11556-0926 23 24 BY: KENNETH A. NOVIKOFF, ESQ. 25 TSG Reporting - Worldwide (877) 702-9580</p>
Page 4	Page 5
<p>1 PAUL CAROLLO 2 APPEARANCES CONTINUED: 3 BEE READY FISHBEIN HATTER & DONOVAN, LLP 4 5 Attorneys for SUFFOLK COUNTY 6 170 Old Country Road 7 Mineola, New York 11501 8 9 BY: (NOT PRESENT) 10 11 SUFFOLK COUNTY DEPARTMENT OF LAW 12 13 Attorneys for the County 14 100 Veterans Memorial Highway 15 Hauppauge, New York 11788 16 17 BY: (NOT PRESENT) 18 19 ALSO PRESENT: 20 FRANK FIORILLO 21 22 23 24 25 TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO 2 IT IS HEREBY STIPULATED AND AGREED by 3 and between the attorneys for the respective 4 parties herein, that filing and sealing and 5 the same are hereby waived. 6 IT IS FURTHER STIPULATED AND AGREED 7 that all objections, except as to the form 8 of the question, shall be reserved to the 9 time of the trial. 10 IT IS FURTHER STIPULATED AND AGREED 11 that the within deposition may be sworn to 12 and signed before any officer authorized to 13 administer an oath, with the same force and 14 effect as if signed and sworn to before the 15 Court. 16 17 - o0o - 18 19 20 21 22 23 24 25 TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 6</p> <p>1 PAUL CAROLLO</p> <p>2 PAUL CAROLLO,</p> <p>3 Called as a witness herein, having</p> <p>4 first been duly sworn, was examined and</p> <p>5 testified as follows:</p> <p>6 BY THE REPORTER:</p> <p>7 Q Please state your name and address for</p> <p>8 the record.</p> <p>9 A Paul Carollo, 20 Gaymor Lane, Commack, 1:48:19PM</p> <p>10 New York 11725.</p> <p>11 THE WITNESS: I just want to state 1:49:10PM</p> <p>12 that I have not been given an attorney</p> <p>13 because I am not an employee of the village.</p> <p>14 I'm not a named defendant in the case. Is</p> <p>15 that true?</p> <p>16 MR. NOVIKOFF: I'm sorry, are you 1:49:36PM</p> <p>17 making a statement or are you asking a</p> <p>18 question?</p> <p>19 THE WITNESS: Both. 1:49:40PM</p> <p>20 MR. NOVIKOFF: This is really -- 1:49:41PM</p> <p>21 MR. GRAFF: Should we maybe go off of 1:49:43PM</p> <p>22 the record to discuss it?</p> <p>23 THE WITNESS: I'd like to stay on the 1:49:47PM</p> <p>24 record.</p> <p>25 MR. NOVIKOFF: That is something 1:49:49PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 7</p> <p>1 PAUL CAROLLO</p> <p>2 between you and the village. That's not</p> <p>3 between you and me.</p> <p>4 THE WITNESS: Understood. 1:49:54PM</p> <p>5 The second thing I'd like to ask a 1:49:54PM</p> <p>6 question, what is it that the District</p> <p>7 Attorney's office is involved in in the</p> <p>8 case?</p> <p>9 MR. NOVIKOFF: I don't know. Maybe 1:50:01PM</p> <p>10 Ari knows.</p> <p>11 MR. GRAFF: Tangentially with some 1:50:04PM</p> <p>12 documents there were an issue. Mr. Connolly</p> <p>13 and I discussed it very briefly,</p> <p>14 non-substantively before we started.</p> <p>15 MR. NOVIKOFF: If you listen to the 1:50:16PM</p> <p>16 D.A., they're still investigating --</p> <p>17 THE WITNESS: I haven't. That's why 1:50:18PM</p> <p>18 I'm asking the question.</p> <p>19 MR. NOVIKOFF: According to the D.A.'s 1:50:19PM</p> <p>20 submission, they're still investigating the</p> <p>21 village. So I don't have an idea what</p> <p>22 they're investigating. So use that</p> <p>23 information however you want to use it. But</p> <p>24 according to the D.A., there's still ongoing</p> <p>25 investigations. Into what, I don't know.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 8</p> <p>1 PAUL CAROLLO</p> <p>2 Is that a fair representation of what 1:50:36PM</p> <p>3 the D.A. said?</p> <p>4 MR. GRAFF: That's as far as I 1:50:40PM</p> <p>5 understand, yeah.</p> <p>6 EXAMINATION 1:50:41PM</p> <p>7 BY MR. GRAFF: 1:50:44PM</p> <p>8 Q Again, to introduce myself for the 1:50:45PM</p> <p>9 record, Mr. Carollo. I know we've met briefly</p> <p>10 before.</p> <p>11 THE WITNESS: Something humorous? 1:50:50PM</p> <p>12 MR. NOVIKOFF: What's that? You can 1:50:52PM</p> <p>13 stay on the record. If you got a problem --</p> <p>14 THE WITNESS: I don't have a problem. 1:50:59PM</p> <p>15 MR. NOVIKOFF: Then answer the 1:51:00PM</p> <p>16 questions of Mr. Graff, and then you answer</p> <p>17 my questions, or you can leave. I mean, the</p> <p>18 choice is yours, Mr. Carollo. What I say to</p> <p>19 Mr. Connolly or how I look at Mr. Connolly</p> <p>20 is between me and Mr. Connolly. It has</p> <p>21 nothing to do with you.</p> <p>22 THE WITNESS: I'm sitting here as a 1:51:14PM</p> <p>23 witness.</p> <p>24 MR. NOVIKOFF: If you want to ask me 1:51:16PM</p> <p>25 questions in whatever tone you want to as me</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 9</p> <p>1 PAUL CAROLLO</p> <p>2 questions, then by all means do so. I</p> <p>3 didn't ask you for this deposition.</p> <p>4 THE WITNESS: I understand that. 1:51:20PM</p> <p>5 MR. NOVIKOFF: It's Mr. Graff's 1:51:21PM</p> <p>6 deposition. As far as I'm concerned, you</p> <p>7 can go and we can go our merry way.</p> <p>8 BY MR. GRAFF: 1:51:27PM</p> <p>9 Q As Mr. Novikoff mentioned, generally 1:51:28PM</p> <p>10 the way the depositions work is that the person</p> <p>11 who scheduled the deposition asks a series of</p> <p>12 questions. After that part is concluded, the</p> <p>13 other lawyers representing other parties will</p> <p>14 have a chance to ask you some questions also.</p> <p>15 Then I might have a little follow-up. And that</p> <p>16 will be the sequence. Mr. Novikoff and</p> <p>17 Mr. Connolly might object to certain specific</p> <p>18 questions that I ask. Those objections are for</p> <p>19 the record. You're still free to answer the</p> <p>20 questions. They shouldn't guide you or limit or</p> <p>21 influence the question that's posed to you.</p> <p>22 That's for their clients and for the record.</p> <p>23 Just a couple of procedural things 1:52:17PM</p> <p>24 before we get into more substantive issues. You</p> <p>25 can see the court reporter is here. She's</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 10</p> <p>1 PAUL CAROLLO</p> <p>2 taking down verbatim, word for word, what's</p> <p>3 said. To make sure that there's a clean and</p> <p>4 clear transcript for the questions and answers</p> <p>5 today, it's important just that you let me or</p> <p>6 later Mr. Novikoff finish a question before you</p> <p>7 start answering, and I'll do my very best to</p> <p>8 make sure you're finished responding before I</p> <p>9 ask another question. That way we won't be</p> <p>10 speaking over each other.</p> <p>11 MR. NOVIKOFF: Or Mr. Connolly. 1:52:51PM</p> <p>12 MR. GRAFF: Of course. 1:52:53PM</p> <p>13 BY MR. GRAFF: 1:52:53PM</p> <p>14 Q Also because of the reporter, it's 1:52:56PM</p> <p>15 important to give all of the answers verbally.</p> <p>16 Nods, shakes of the head obviously can't be</p> <p>17 transcribed. If you don't hear a question or</p> <p>18 don't understand a question, please let me know</p> <p>19 right away. If I ask a question and you answer</p> <p>20 it, I'll assume that you heard it and understood</p> <p>21 it.</p> <p>22 Does that seem fair? 1:53:18PM</p> <p>23 A Uh-huh. Yes. 1:53:20PM</p> <p>24 Q If at some point over the course of 1:53:21PM</p> <p>25 this afternoon you would like to go back and add</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 11</p> <p>1 PAUL CAROLLO</p> <p>2 or correct an answer that you gave to an earlier</p> <p>3 question, that's absolutely fine. Just let me</p> <p>4 know. We can do that at any time.</p> <p>5 If at any point you'd like to take a 1:53:38PM</p> <p>6 break for whatever reason, we can also do that.</p> <p>7 Let me know. I'll be happy to take a break</p> <p>8 whenever you'd like to.</p> <p>9 Are you presently taking any 1:53:53PM</p> <p>10 medications or under a doctor's care for any</p> <p>11 illness that could affect your ability to</p> <p>12 testify truthfully and completely today?</p> <p>13 MR. NOVIKOFF: Objection to form. 1:54:03PM</p> <p>14 A No. 1:54:06PM</p> <p>15 Q Have you consumed any controlled 1:54:07PM</p> <p>16 substances or narcotics in the last 24 hours?</p> <p>17 A No. 1:54:13PM</p> <p>18 Q Have you had any alcoholic beverages 1:54:13PM</p> <p>19 in the last 24 hours?</p> <p>20 A No. 1:54:17PM</p> <p>21 Q Is there any reason you can think of 1:54:23PM</p> <p>22 that you wouldn't be able to answer the</p> <p>23 questions truthfully and completely today?</p> <p>24 A No. 1:54:28PM</p> <p>25 Q You had mentioned earlier today that 1:54:35PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 12</p> <p>1 PAUL CAROLLO</p> <p>2 you're not represented by an attorney. That's</p> <p>3 correct in connection with this deposition?</p> <p>4 A Yes. 1:54:41PM</p> <p>5 MR. GRAFF: I'm going to ask the court 1:54:47PM</p> <p>6 reporter to mark as Exhibits 1 and 2.</p> <p>7 Exhibit 1 is a subpoena dated May 12th,</p> <p>8 2009. Exhibit 2 is a subpoena dated</p> <p>9 July 24th, 2009.</p> <p>10 (Whereupon, a subpoena dated May 12th, 1:55:04PM</p> <p>11 2009 was marked as Plaintiff's Exhibit 1 for</p> <p>12 identification, as of this date.)</p> <p>13 (Whereupon, a subpoena dated July 1:55:15PM</p> <p>14 24th, 2009 was marked as Plaintiff's</p> <p>15 Exhibit 2 for identification, as of this</p> <p>16 date.)</p> <p>17 BY MR. GRAFF: 1:55:54PM</p> <p>18 Q Mr. Carollo, when you've had a chance 1:55:54PM</p> <p>19 to look at those two documents, can you tell me</p> <p>20 if you recognize that document marked as</p> <p>21 Exhibit 1? (Handing.)</p> <p>22 A Not without having the one I have with 1:56:11PM</p> <p>23 me. I have to make an assumption.</p> <p>24 Q Okay. And what about Exhibit 2? 1:56:17PM</p> <p>25 A It would be the same, I'm not 1:56:23PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 13</p> <p>1 PAUL CAROLLO</p> <p>2 looking -- I don't have the ones that I had</p> <p>3 received, so I can't say that those are exactly</p> <p>4 the same.</p> <p>5 Q Okay. And just to be clear for the 1:56:34PM</p> <p>6 record, you're here for this deposition today in</p> <p>7 response to one or both of these subpoenas?</p> <p>8 MR. NOVIKOFF: Objection. 1:56:42PM</p> <p>9 A A subpoena. 1:56:42PM</p> <p>10 Q And that was a subpoena issued from 1:56:43PM</p> <p>11 our office?</p> <p>12 A Yes. 1:56:47PM</p> <p>13 Q Thank you. 1:56:48PM</p> <p>14 You had mentioned early on that you 1:56:49PM</p> <p>15 and I had spoken prior to today. Since the</p> <p>16 other attorneys in the room weren't privy to</p> <p>17 those conversations, I'm going to ask a few</p> <p>18 questions about what you and I discussed for the</p> <p>19 record so it can be clear.</p> <p>20 A Okay. 1:57:06PM</p> <p>21 Q Do you recall how many times we've 1:57:08PM</p> <p>22 spoken?</p> <p>23 A No. More than twice. Probably more 1:57:11PM</p> <p>24 than three times, I would say.</p> <p>25 Q And what was the substance of those 1:57:17PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 14</p> <p>1 PAUL CAROLLO</p> <p>2 conversations, as best you can recall?</p> <p>3 A Setting up the time schedule and my 1:57:24PM</p> <p>4 position with an attorney.</p> <p>5 Q And do you recall when you first 1:57:33PM</p> <p>6 received a subpoena it set your deposition for a</p> <p>7 date that was postponed?</p> <p>8 A Yes. 1:57:39PM</p> <p>9 Q When you received the subpoena the 1:57:39PM</p> <p>10 second time, that deposition date was also</p> <p>11 postponed?</p> <p>12 A Yes. 1:57:46PM</p> <p>13 Q And do you know why the depositions 1:57:52PM</p> <p>14 were postponed?</p> <p>15 A I didn't have an attorney. 1:57:56PM</p> <p>16 Q And between the deposition that had 1:57:57PM</p> <p>17 been scheduled and the second subpoena and</p> <p>18 today, did you make any efforts to retain an</p> <p>19 attorney?</p> <p>20 A Yes -- no, I wouldn't say I made -- I 1:58:10PM</p> <p>21 investigated the situation. I don't know that I</p> <p>22 necessarily personally could afford an attorney.</p> <p>23 So I would say that I looked into what my</p> <p>24 options were to be able to get the village to</p> <p>25 pay for my attorney.</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 15</p> <p>1 PAUL CAROLLO</p> <p>2 Q Did you speak to someone at the 1:58:28PM</p> <p>3 village about --</p> <p>4 A I made -- ask it again. 1:58:32PM</p> <p>5 Q Did you speak to anybody at the 1:58:35PM</p> <p>6 village about obtaining an attorney for this</p> <p>7 deposition?</p> <p>8 A Yes. I called the mayor a few times, 1:58:40PM</p> <p>9 and he didn't return the call. And then Ken</p> <p>10 Gray I spoke to, and he said he would request an</p> <p>11 attorney from the insurance company.</p> <p>12 Q And when did that conversation with 1:58:51PM</p> <p>13 Mr. Gray happen?</p> <p>14 A Sometime back after the first 1:58:55PM</p> <p>15 deposition -- after the first subpoena.</p> <p>16 Q Okay. Did Mr. Gray or anyone else for 1:59:00PM</p> <p>17 the village explain to you at any point why they</p> <p>18 were not obtaining an attorney for you?</p> <p>19 A Prior to the second subpoena? 1:59:12PM</p> <p>20 Q At any point. 1:59:13PM</p> <p>21 A Recently I received -- no. 1:59:14PM</p> <p>22 Actually -- no. He sent me a letter that I</p> <p>23 requested because no one told me anything. I</p> <p>24 thought it was probably even over with, and I</p> <p>25 didn't hear for -- until the next subpoena,</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 16</p> <p>1 PAUL CAROLLO</p> <p>2 which I didn't know it was even coming. I saw</p> <p>3 Ken Gray in court where I work and had a</p> <p>4 conversation with him about it, and he said -- I</p> <p>5 said, you know, no one sent me anything. No one</p> <p>6 told me anything. So he sent me a letter</p> <p>7 stating I was denied an attorney from the</p> <p>8 village. And then that was just before our</p> <p>9 second subpoena -- no, it was probably after the</p> <p>10 second subpoena but before -- sometime last</p> <p>11 week. Then I looked into finding out if there</p> <p>12 was -- if I had any legal aspect to, you know,</p> <p>13 get the village to supply an attorney.</p> <p>14 Q Okay. And in any of the conversations 2:00:24PM</p> <p>15 that you and I had, did I ask you any questions</p> <p>16 about your work at Ocean Beach?</p> <p>17 A About my work at Ocean Beach? 2:00:35PM</p> <p>18 Q Yes. 2:00:37PM</p> <p>19 A No. 2:00:37PM</p> <p>20 Q Did I ask you any questions about 2:00:37PM</p> <p>21 George Hesse?</p> <p>22 A No. 2:00:41PM</p> <p>23 Q Did I ask you any questions about any 2:00:41PM</p> <p>24 of the plaintiffs in this case?</p> <p>25 A No. 2:00:46PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 17</p> <p>1 PAUL CAROLLO</p> <p>2 Q Did I explain to you at all what kind 2:00:47PM</p> <p>3 of questions I was going to be asking you at the</p> <p>4 deposition?</p> <p>5 A No. 2:00:56PM</p> <p>6 Q Did I suggest to you what kind of 2:00:57PM</p> <p>7 testimony we might be hoping to elicit at the</p> <p>8 deposition?</p> <p>9 A No. 2:01:04PM</p> <p>10 Q I notice that there's a copy of the 2:01:10PM</p> <p>11 Complaint in this case that's on the table in</p> <p>12 front of you. Can I ask where you obtained</p> <p>13 that?</p> <p>14 A One of the attorneys that I've spoken 2:01:17PM</p> <p>15 to.</p> <p>16 Q And could I ask which attorney that 2:01:19PM</p> <p>17 is -- withdrawn.</p> <p>18 Is that an attorney that you had 2:01:26PM</p> <p>19 consulted with but did not retain?</p> <p>20 A Yes. 2:01:29PM</p> <p>21 Q And I believe that you had asked me 2:01:30PM</p> <p>22 for a copy of the Complaint; is that correct?</p> <p>23 A Yes. 2:01:35PM</p> <p>24 Q And did I give it to you? 2:01:35PM</p> <p>25 A No. 2:01:37PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

Page 18

1 PAUL CAROLLO

2 Q Did I explain why? 2:01:37PM

3 A Yes. 2:01:38PM

4 Q And as best you recall, why did I say 2:01:39PM

5 that I didn't want to give you the complaint?

6 A You felt it would be a conflict of 2:01:44PM

7 interest or something to that effect.

8 Q Okay. Other than scheduling issues 2:01:48PM

9 and your efforts to try to arrange for a lawyer,

10 can you think of anything else that you and I

11 discussed prior to today?

12 A No. 2:02:03PM

13 Q As far as you know, other than 2:02:06PM

14 speaking to me, did you speak to anyone else in

15 my law firm?

16 A Originally, I can't remember his name. 2:02:11PM

17 I spoke to someone else.

18 Q If I said the name Andrew Goodstadt, 2:02:15PM

19 would that be --

20 A Yeah, that's it. 2:02:18PM

21 Q Other than myself and Mr. Goodstadt, 2:02:19PM

22 do you know of anyone else you spoke with at my

23 firm?

24 A No. 2:02:24PM

25 Q Did you actually have a conversation 2:02:25PM

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Page 20

1 PAUL CAROLLO

2 Ocean Beach?

3 A Entered the academy in October of 2:03:41PM

4 2003, something to that effect.

5 Q And do you recall when your first 2:03:47PM

6 actual on duty at Ocean Beach was?

7 A Sometime I guess in May 2004. 2:03:55PM

8 MR. NOVIKOFF: May of 2004? 2:03:59PM

9 THE WITNESS: Yes. 2:04:01PM

10 BY MR. GRAFF: 2:04:02PM

11 Q What position did you hold when you 2:04:02PM

12 started working in May 2004?

13 A Police officer. 2:04:06PM

14 Q And did you -- when was your last day 2:04:18PM

15 working at Ocean Beach?

16 A I did a training class December of 2:04:28PM

17 '08.

18 Q And were you a police officer at that 2:04:39PM

19 time?

20 MR. NOVIKOFF: Objection. 2:04:42PM

21 A I -- yeah, I guess so. I don't know, 2:04:45PM

22 you know, what the village had me as. Is that

23 your question? I mean it was a training class.

24 I wasn't working. I had no firearm or anything.

25 Q Were you paid a salary? 2:04:57PM

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Page 19

1 PAUL CAROLLO

2 with Mr. Goodstadt?

3 A I guess after the first subpoena, I 2:02:36PM

4 may have spoken to him about the attorney

5 situation. We never had much of a conversation.

6 I think maybe he called once or twice, something

7 like that.

8 Q Other than your trying to find an 2:02:47PM

9 attorney, was there anything else to the

10 substance of your conversation with

11 Mr. Goodstadt?

12 A No. 2:02:55PM

13 Q Are you currently employed? 2:02:58PM

14 A Yes. 2:03:01PM

15 Q And where do you work? 2:03:02PM

16 A New York State courts. 2:03:05PM

17 Q What's your position at New York State 2:03:07PM

18 court?

19 A Court officer. 2:03:09PM

20 Q And do you work at a particular 2:03:10PM

21 courthouse?

22 A Hempstead. 2:03:16PM

23 Q How long have you held that position? 2:03:19PM

24 A Ten years. 2:03:21PM

25 Q When did you first begin working for 2:03:29PM

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Page 21

1 PAUL CAROLLO

2 A Yes, I was paid. 2:04:58PM

3 Q And from May -- beginning in May 2004, 2:05:00PM

4 were you a seasonal police officer at Ocean

5 Beach?

6 A Before May? 2:05:10PM

7 Q When you started work nothing May 2:05:11PM

8 2004, at that time, were you hired on a seasonal

9 basis?

10 A I don't know what I was exactly hired. 2:05:21PM

11 I wasn't full-time. I mean there's different

12 breakdowns. I don't know them. I'm not exactly

13 sure what I was classified as. All I can say is

14 not full-time.

15 Q And when you worked part-time, how 2:05:31PM

16 many hours a week were you working in May 2004?

17 MR. NOVIKOFF: Objection. 2:05:38PM

18 A I think I was working -- I don't know, 2:05:44PM

19 I may have started with two shifts. So 16

20 hours. Sixteen to 24 hours, I guess.

21 Q And after the summer of 2004, did you 2:05:52PM

22 continue working as a police officer at Ocean

23 Beach?

24 A I don't think I worked that winter at 2:05:59PM

25 all.

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Page 22	Page 23
<p>1 PAUL CAROLLO</p> <p>2 Q And what about the summer of 2005? 2:06:02PM</p> <p>3 A Yes. 2:06:06PM</p> <p>4 Q You worked at Ocean Beach? 2:06:07PM</p> <p>5 A Yes. 2:06:08PM</p> <p>6 Q And after the summer of 2005, once the 2:06:09PM</p> <p>7 summer was over, did you work at all that winter</p> <p>8 or the other seasons of 2005?</p> <p>9 A I think I worked Sundays 4 to 12 after 2:06:19PM</p> <p>10 2005.</p> <p>11 Q And in the summer of 2006, did you 2:06:25PM</p> <p>12 work as a police officer at Ocean Beach?</p> <p>13 A 2006, yes. 2:06:31PM</p> <p>14 Q And then what about once the summer 2:06:35PM</p> <p>15 was over, did you work in the fall or winter</p> <p>16 2006?</p> <p>17 A I think I still did a 4 to 12 on 2:06:40PM</p> <p>18 Sundays.</p> <p>19 Q And then the summer of 2007, were you 2:06:48PM</p> <p>20 working as a police officer at Ocean Beach?</p> <p>21 A No. 2:06:52PM</p> <p>22 Q Was there a specific point in time 2:06:53PM</p> <p>23 when you stopped working?</p> <p>24 A March of 2007. 2:06:58PM</p> <p>25 Q And why did you stop working as a 2:07:05PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 police officer at Ocean Beach at that time?</p> <p>3 A I don't know if that's a question I 2:07:12PM</p> <p>4 should answer. I think everybody in the room</p> <p>5 knows it, but --</p> <p>6 Q Will you answer that question? 2:07:23PM</p> <p>7 MR. NOVIKOFF: I think he just said he 2:07:25PM</p> <p>8 doesn't think he wants to answer that</p> <p>9 question.</p> <p>10 A No, I don't want to answer the 2:07:29PM</p> <p>11 question.</p> <p>12 Q Why would you -- 2:07:31PM</p> <p>13 MR. NOVIKOFF: I think if he answers 2:07:34PM</p> <p>14 that question, he'll tell you why he can't</p> <p>15 answer the other question.</p> <p>16 BY MR. GRAFF: 2:07:39PM</p> <p>17 Q Are you able to explain the basis for 2:07:39PM</p> <p>18 not wanting to answer that?</p> <p>19 A I think it's in my best interest not 2:07:43PM</p> <p>20 to.</p> <p>21 Q We'll come back to that. 2:07:49PM</p> <p>22 When you first -- 2:07:57PM</p> <p>23 MR. NOVIKOFF: Actually, I don't mean 2:07:58PM</p> <p>24 to interrupt, and I'm trying very hard, as</p> <p>25 you can tell.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 24	Page 25
<p>1 PAUL CAROLLO</p> <p>2 MR. GRAFF: I appreciate it. 2:08:03PM</p> <p>3 MR. NOVIKOFF: I'm respectfully at a 2:08:05PM</p> <p>4 loss to understand as to why Mr. Carollo is</p> <p>5 here. But whether I'm lost or not is</p> <p>6 irrelevant. You've called this witness. I</p> <p>7 think if you're going to go into that</p> <p>8 subject area, you know my position on it.</p> <p>9 It seems like this witness will probably not</p> <p>10 answer any of your questions. So either you</p> <p>11 want to address it with the judge now or</p> <p>12 address it with the judge when we see him in</p> <p>13 September or just move on to other subject</p> <p>14 areas. That's my only respectful</p> <p>15 suggestion.</p> <p>16 MR. GRAFF: I understand that. 2:08:38PM</p> <p>17 MR. CONNOLLY: What you may be able to 2:08:40PM</p> <p>18 do is make this general, will you respond to</p> <p>19 questions regarding this area.</p> <p>20 BY MR. GRAFF: 2:08:50PM</p> <p>21 Q Will you respond to questions 2:08:51PM</p> <p>22 concerning the circumstances that led to your</p> <p>23 stopping work at Ocean Beach?</p> <p>24 A No. I think without counsel, I'd be 2:09:02PM</p> <p>25 foolish to do that.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q Are there any other subject areas that 2:09:05PM</p> <p>3 you can think of that you won't want to answer</p> <p>4 questions about?</p> <p>5 A Not that I can think of at the moment. 2:09:15PM</p> <p>6 Q At some point I'm going to want to 2:09:25PM</p> <p>7 come back to that, but let's try to find some</p> <p>8 other subjects that are comfortable for now.</p> <p>9 And if it becomes an issue down the road, we'll</p> <p>10 raise it with the judge and get some direction</p> <p>11 from him on how it's appropriate to handle that</p> <p>12 situation.</p> <p>13 A Yes. 2:09:44PM</p> <p>14 Q When you started working at Ocean 2:09:44PM</p> <p>15 Beach, was that your first law enforcement</p> <p>16 position?</p> <p>17 A No. 2:09:53PM</p> <p>18 Q When was the first time you held a law 2:09:53PM</p> <p>19 enforcement position with any employer?</p> <p>20 A 1999. As I stated, I'm a court 2:09:59PM</p> <p>21 officer.</p> <p>22 MR. NOVIKOFF: Yeah, I would think 2:10:03PM</p> <p>23 that a court officer would be characterized</p> <p>24 as a law enforcement position.</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 26	Page 27
<p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 2:10:11PM</p> <p>3 Q I intend the question to extend to 2:10:11PM</p> <p>4 court officer, yes.</p> <p>5 MR. NOVIKOFF: So is the question 2:10:15PM</p> <p>6 other than being a court officer, has he</p> <p>7 held any --</p> <p>8 BY MR. GRAFF: 2:10:18PM</p> <p>9 Q Prior to being a court officer, did 2:10:18PM</p> <p>10 you hold any other law enforcement positions?</p> <p>11 A No. 2:10:23PM</p> <p>12 Q Other than your position at Ocean 2:10:23PM</p> <p>13 Beach and your position as a court officer, have</p> <p>14 you held any other law enforcement positions?</p> <p>15 A No. 2:10:30PM</p> <p>16 Q You had mentioned when you started 2:10:41PM</p> <p>17 working at Ocean Beach that you were in the</p> <p>18 police academy?</p> <p>19 A Yes. 2:10:46PM</p> <p>20 Q Was that a requirement for you to 2:10:46PM</p> <p>21 begin working at Ocean Beach?</p> <p>22 MR. NOVIKOFF: Objection. 2:10:50PM</p> <p>23 A Yes. 2:10:51PM</p> <p>24 Q And other than -- what police academy 2:10:52PM</p> <p>25 did you attend?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 A Suffolk County. 2:10:57PM</p> <p>3 Q And did you attain a certification or 2:10:58PM</p> <p>4 credential from that academy?</p> <p>5 A I graduated, yes. 2:11:05PM</p> <p>6 Q Other than graduating police academy, 2:11:06PM</p> <p>7 were there any other requirements that you had</p> <p>8 to attain to be a police officer at Ocean Beach</p> <p>9 that you're aware of?</p> <p>10 MR. NOVIKOFF: Objection. 2:11:16PM</p> <p>11 A No. 2:11:16PM</p> <p>12 Q Was there a qualifying medical exam? 2:11:17PM</p> <p>13 MR. NOVIKOFF: Objection. 2:11:20PM</p> <p>14 BY MR. GRAFF: 2:11:21PM</p> <p>15 Q Or a physical fitness examination? 2:11:21PM</p> <p>16 A Yes. I count all of that in as the 2:11:23PM</p> <p>17 academy.</p> <p>18 Q Could you break down the parts of the 2:11:28PM</p> <p>19 academy as you understood them? There was the</p> <p>20 physical. Was there a polygraph element?</p> <p>21 A Yes. 2:11:37PM</p> <p>22 Q Was there a psychological assessment? 2:11:37PM</p> <p>23 A Yes. 2:11:40PM</p> <p>24 Q When you entered the academy, was that 2:11:42PM</p> <p>25 with the intention of working as a police</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 28	Page 29
<p>1 PAUL CAROLLO</p> <p>2 officer at Ocean Beach specifically?</p> <p>3 A Could you ask that again? I'm sorry, 2:11:50PM</p> <p>4 I didn't understand that.</p> <p>5 Q Let me come at it a different way. 2:11:53PM</p> <p>6 How did you go about getting the 2:11:56PM</p> <p>7 police officer position at Ocean Beach? Did you</p> <p>8 apply for that position?</p> <p>9 A Yes. 2:12:01PM</p> <p>10 Q And who did you -- how did you go 2:12:01PM</p> <p>11 about applying? What was the first step?</p> <p>12 A I think my name was put on a list, and 2:12:07PM</p> <p>13 basically if you make it through the</p> <p>14 investigation, background investigation.</p> <p>15 Q Did you submit a written application? 2:12:15PM</p> <p>16 How did you -- withdrawn.</p> <p>17 How did you first become aware of the 2:12:20PM</p> <p>18 police officer position in Ocean Beach?</p> <p>19 A I work with someone who works there. 2:12:30PM</p> <p>20 Q Who specifically? 2:12:33PM</p> <p>21 A Walter Moeller. 2:12:34PM</p> <p>22 Q And did you learn from Mr. Moeller 2:12:40PM</p> <p>23 that there were vacant positions at Ocean Beach?</p> <p>24 MR. NOVIKOFF: Objection. Form. 2:12:48PM</p> <p>25 A Yeah. I don't know if there was 2:12:53PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 necessarily a vacancy. I don't know that it</p> <p>3 would be worded that way.</p> <p>4 Q Did you contact a specific person at 2:13:00PM</p> <p>5 Ocean Beach to initiate your application process</p> <p>6 or to indicate your interest in applying?</p> <p>7 A I don't remember if I ever contacted 2:13:08PM</p> <p>8 anybody or if he just gave my name in.</p> <p>9 Q And were you interviewed for that 2:13:12PM</p> <p>10 position?</p> <p>11 A Before the background investigation? 2:13:18PM</p> <p>12 Q Yes. 2:13:20PM</p> <p>13 A No. 2:13:20PM</p> <p>14 Q After the background investigation, 2:13:23PM</p> <p>15 were you interviewed by someone at Ocean Beach</p> <p>16 for a police officer position?</p> <p>17 A No. 2:13:33PM</p> <p>18 Q Who was the -- who was in charge of 2:13:35PM</p> <p>19 the Ocean Beach Police Department at that time?</p> <p>20 A Paradiso. 2:13:43PM</p> <p>21 Q That's Ed Paradiso? 2:13:44PM</p> <p>22 A Ed Paradiso, yes. 2:13:45PM</p> <p>23 Q What was his position at the police 2:13:47PM</p> <p>24 department?</p> <p>25 A Chief. 2:13:49PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 30</p> <p>1 PAUL CAROLLO</p> <p>2 Q How did you learn of the academy 2:14:00PM</p> <p>3 requirements that you were required to complete</p> <p>4 to become a police officer?</p> <p>5 MR. NOVIKOFF: Objection to form. 2:14:05PM</p> <p>6 BY MR. GRAFF: 2:14:06PM</p> <p>7 Q That is, the process you would have to 2:14:10PM</p> <p>8 go through to get the job?</p> <p>9 MR. NOVIKOFF: Same objection. 2:14:13PM</p> <p>10 A I just went through it, and I really 2:14:14PM</p> <p>11 can't say. I'm not sure I understand that.</p> <p>12 Q Did you speak to anyone at Ocean Beach 2:14:20PM</p> <p>13 about the specific requirements for the position</p> <p>14 before you started police academy?</p> <p>15 A I don't think so. 2:14:33PM</p> <p>16 Q Did you speak to somebody, anybody at 2:14:36PM</p> <p>17 the Suffolk County Department of Civil Service</p> <p>18 about what the requirements that you'd need to</p> <p>19 complete were?</p> <p>20 A No. 2:14:45PM</p> <p>21 Q Have you ever heard of something 2:15:07PM</p> <p>22 called the Ocean Beach Police Department</p> <p>23 applicant investigation section?</p> <p>24 A No. 2:15:20PM</p> <p>25 Q Are you aware of any applicant 2:15:22PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 31</p> <p>1 PAUL CAROLLO</p> <p>2 investigation section that you did interact with</p> <p>3 as part of your academy process?</p> <p>4 A Suffolk County. 2:15:30PM</p> <p>5 Q That would be the Suffolk County -- 2:15:31PM</p> <p>6 A Suffolk County Police Department. 2:15:35PM</p> <p>7 Q Applicant investigation? 2:15:36PM</p> <p>8 A Applicant investigation. 2:15:38PM</p> <p>9 Q And what is the applicant 2:15:40PM</p> <p>10 investigation section? What did it do?</p> <p>11 A Does the whole process. 2:15:46PM</p> <p>12 Q Could you explain? 2:15:48PM</p> <p>13 A I guess they run the agility, the 2:15:50PM</p> <p>14 medical, psychological and the background</p> <p>15 investigation.</p> <p>16 Q Just to be clear, did you at any point 2:16:01PM</p> <p>17 hear of an applicant investigation section</p> <p>18 specific to Ocean Beach?</p> <p>19 MR. NOVIKOFF: Objection. 2:16:08PM</p> <p>20 MR. CONNOLLY: Objection. 2:16:09PM</p> <p>21 A I've never heard that term. 2:16:10PM</p> <p>22 Q As far as you know, were you permitted 2:16:22PM</p> <p>23 to start working as a police officer at Ocean</p> <p>24 Beach before you completed the academy process,</p> <p>25 the medical, physical, polygraph?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 32</p> <p>1 PAUL CAROLLO</p> <p>2 MR. NOVIKOFF: Objection. 2:16:31PM</p> <p>3 A One more time. 2:16:35PM</p> <p>4 Q Were you required to complete the full 2:16:36PM</p> <p>5 academy process and be fully credentialed with</p> <p>6 the academy before you could actually start</p> <p>7 serving as a police officer?</p> <p>8 MR. NOVIKOFF: Objection. 2:16:47PM</p> <p>9 A Yes, I had to finish the police 2:16:48PM</p> <p>10 academy.</p> <p>11 Q Were you required to take a Civil 2:16:51PM</p> <p>12 Service examination?</p> <p>13 MR. NOVIKOFF: Objection. 2:16:54PM</p> <p>14 A No. 2:16:54PM</p> <p>15 MR. NOVIKOFF: And the basis of my 2:16:55PM</p> <p>16 objection is asking this witness what he was</p> <p>17 required or not required to do.</p> <p>18 BY MR. GRAFF: 2:16:59PM</p> <p>19 Q As far as you know, were you required 2:17:00PM</p> <p>20 to take any Civil Service examination?</p> <p>21 MR. NOVIKOFF: Same objection. 2:17:04PM</p> <p>22 A As far as I know, no. 2:17:05PM</p> <p>23 Q Have you ever taken any Civil Service 2:17:06PM</p> <p>24 examination for any position?</p> <p>25 A Yes. 2:17:10PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 33</p> <p>1 PAUL CAROLLO</p> <p>2 Q What position is that? 2:17:10PM</p> <p>3 A Many. I couldn't even remember how 2:17:14PM</p> <p>4 many tests I've taken. Certainly I've taking</p> <p>5 the Suffolk County police officer's test, court</p> <p>6 on officer test, numerous other tests.</p> <p>7 Q Did you -- who were those tests 2:17:30PM</p> <p>8 administered by?</p> <p>9 A Different agencies. 2:17:36PM</p> <p>10 Q Did you ever take any tests 2:17:37PM</p> <p>11 administered by the Suffolk County Department of</p> <p>12 Civil Service?</p> <p>13 A Only on -- what I'm assuming that 2:17:47PM</p> <p>14 Suffolk County Police test and I believe I took</p> <p>15 the Suffolk County Department of Corrections</p> <p>16 test. Well, I know I took the test. I assume</p> <p>17 that that's Civil Service that you're speaking</p> <p>18 of.</p> <p>19 Q During the time that you worked as a 2:18:05PM</p> <p>20 court officer, did you hold any other positions</p> <p>21 other than police officer at Ocean Beach?</p> <p>22 A When you say positions? 2:18:18PM</p> <p>23 Q Did you have any other employment? 2:18:20PM</p> <p>24 Did you work anywhere else?</p> <p>25 A I was a carpenter. 2:18:24PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

1 PAUL CAROLLO
2 **Q As a carpenter? 2:18:25PM**
3 A Yes. 2:18:26PM
4 **Q Where did you work as a carpenter? 2:18:27PM**
5 A All over. 2:18:29PM
6 **Q Did you work for a particular 2:18:30PM**
7 **carpentry company?**
8 A No, I was in the union. I was a union 2:18:33PM
9 carpenter.
10 **Q What union? 2:18:37PM**
11 A I was in a few different ones that 2:18:40PM
12 merged together. I'm in Long Island union right
13 now.
14 **Q As far as you know, were all of the 2:18:54PM**
15 **other police officers at Ocean Beach who were**
16 **employed there during the time that you were**
17 **employed there, did all of those officers go**
18 **through the police academy?**
19 MR. NOVIKOFF: Objection. 2:19:10PM
20 A I believe everybody went through the 2:19:11PM
21 police academy.
22 **Q What about a police academy in Suffolk 2:19:15PM**
23 **County?**
24 MR. NOVIKOFF: Objection. Foundation. 2:19:18PM
25 A When I first started, did everyone go 2:19:19PM
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1 PAUL CAROLLO
2 **working there, did you ever learn whether you**
3 **were or weren't certified through the Suffolk**
4 **County Department of Civil Service?**
5 A Did I ever learn that I was? 2:20:26PM
6 **Q You were or weren't. Is that 2:20:27PM**
7 **something that ever came up?**
8 A Ask me the question again. 2:20:32PM
9 **Q Do you know whether the Suffolk County 2:20:34PM**
10 **Department of Civil Service ever certified you**
11 **as qualified to work as a police officer at**
12 **Ocean Beach?**
13 A No. All I know is I graduated the 2:20:48PM
14 academy and went to work. Exactly what
15 paperwork transpired, that I couldn't answer.
16 **Q Did you ever have any interactions 2:20:55PM**
17 **with any particular individual at the Suffolk**
18 **County Department of Civil Service in connection**
19 **with your employment at Ocean Beach?**
20 A I did call -- afterwards I called 2:21:09PM
21 Suffolk County Civil Service to ask about what
22 the situation with the attorneys was. Yeah.
23 **Q At what point in time did that happen? 2:21:18PM**
24 A Just recently. Two weeks ago. Three 2:21:20PM
25 weeks ago. Something like that.
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1 PAUL CAROLLO
2 through the Suffolk County police academy?
3 **Q As far as you know, is it a 2:19:25PM**
4 **requirement to be a police officer at Ocean**
5 **Beach to graduate the Suffolk County police**
6 **academy?**
7 MR. NOVIKOFF: Objection. 2:19:32PM
8 MR. CONNOLLY: Objection. 2:19:34PM
9 A I'm sure of that. 2:19:35PM
10 **Q Are you aware of any sort of Civil -- 2:19:41PM**
11 **the phrase Civil Service certification in**
12 **connection with your work as a police officer at**
13 **Ocean Beach?**
14 MR. NOVIKOFF: Objection to the form. 2:19:48PM
15 A Ask the question again. 2:19:53PM
16 **Q Do you know, as far as you know, did 2:19:54PM**
17 **you have to be certified by the Suffolk County**
18 **Department of Civil Service to work as a police**
19 **officer at Ocean Beach?**
20 MR. NOVIKOFF: Same objection. 2:20:01PM
21 A No, I didn't. When I started there, I 2:20:04PM
22 would not have known. I mean, obviously I had
23 not gone through a police academy so I had to go
24 through that.
25 **Q Okay. And at any point when you were 2:20:14PM**
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1 PAUL CAROLLO
2 **Q And what were your duties as a police 2:21:24PM**
3 **officer at Ocean Beach?**
4 A You know, patrol, arrest, summons. 2:21:31PM
5 **Q And as far as you know, did all of the 2:21:33PM**
6 **police officers at Ocean Beach have the same**
7 **general duties?**
8 A Yes. 2:21:44PM
9 **Q And did all police officers at Ocean 2:21:45PM**
10 **Beach, as far as you know, throughout the course**
11 **of time that you were working there, have the**
12 **authority to arrest?**
13 MR. NOVIKOFF: Objection. 2:21:54PM
14 A Ask that again. 2:21:58PM
15 **Q As far as you know, the whole time you 2:22:04PM**
16 **were working in Ocean Beach, at any point during**
17 **that time, did all the officers at Ocean Beach,**
18 **like you, have the power to arrest, assuming**
19 **that the requirements for an arrest were**
20 **otherwise made?**
21 MR. NOVIKOFF: Objection. 2:22:21PM
22 A Yes. 2:22:21PM
23 **Q That is, if you saw someone committing 2:22:21PM**
24 **a crime, you could arrest them?**
25 A Yes. 2:22:21PM
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Page 38	Page 39
<p>1 PAUL CAROLLO</p> <p>2 Q As far as you know, all the other 2:22:23PM</p> <p>3 officers at Ocean Beach also had that same</p> <p>4 arrest power?</p> <p>5 A As far as I know, yes. 2:22:34PM</p> <p>6 Q And was there a specific jurisdiction 2:22:35PM</p> <p>7 or geographical limit to your powers to arrest</p> <p>8 people?</p> <p>9 MR. NOVIKOFF: Objection. 2:22:42PM</p> <p>10 A To arrest? 2:22:50PM</p> <p>11 Q For example, could you arrest people 2:22:52PM</p> <p>12 anywhere in Suffolk County, as far as you know?</p> <p>13 A Yeah. 2:23:01PM</p> <p>14 Q What about outside Suffolk County, in 2:23:01PM</p> <p>15 other counties in New York?</p> <p>16 A As a New York State certified police 2:23:10PM</p> <p>17 officer -- I don't want to get too involved in</p> <p>18 the whole thing -- you can make an arrest</p> <p>19 anywhere in the state.</p> <p>20 Q And you mentioned, I believe, that you 2:23:20PM</p> <p>21 also issued summons in Ocean Beach?</p> <p>22 A Yes. 2:23:24PM</p> <p>23 Q Do you know how many you would issue 2:23:26PM</p> <p>24 approximately in a year?</p> <p>25 A I would say I did between 20, 25. 2:23:35PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q And did it stay at approximately that 2:23:39PM</p> <p>3 number for all of the years that you worked as a</p> <p>4 police officer?</p> <p>5 A Yeah. 2:23:44PM</p> <p>6 MR. NOVIKOFF: There's really only two 2:23:44PM</p> <p>7 seasons, right, Ari?</p> <p>8 MR. GRAFF: 2004, 2005, 2006. 2:23:49PM</p> <p>9 MR. NOVIKOFF: Sorry. Three years. 2:23:52PM</p> <p>10 MR. GRAFF: Three seasons. 2:23:55PM</p> <p>11 BY ATTORNEY1: 2:23:55PM</p> <p>12 Q Is that correct, three summer seasons? 2:23:56PM</p> <p>13 A Yes. 2:23:58PM</p> <p>14 Q Were you ever told by anyone that you 2:24:03PM</p> <p>15 should issue more summons beyond the number that</p> <p>16 you were averaging?</p> <p>17 MR. NOVIKOFF: Objection to the form. 2:24:11PM</p> <p>18 A That I should issue more? 2:24:16PM</p> <p>19 Q Yes. 2:24:18PM</p> <p>20 A No. 2:24:21PM</p> <p>21 Q Were you ever told to issue fewer 2:24:21PM</p> <p>22 summonses?</p> <p>23 A No. 2:24:24PM</p> <p>24 Q Were you ever told to issue more or 2:24:24PM</p> <p>25 fewer summonses for specific offenses?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 40	Page 41
<p>1 PAUL CAROLLO</p> <p>2 A I think that when complaints would 2:24:35PM</p> <p>3 come in about certain things, there would be a</p> <p>4 meeting of that. But it was never anything</p> <p>5 forced upon you. Whether it be like they want</p> <p>6 more, you know, the council's complaining</p> <p>7 about -- not the council, the village, what are</p> <p>8 they called, trustees or civilian complaints,</p> <p>9 resident complaints, that maybe there was too</p> <p>10 much bike riding so they say we gotta keep a</p> <p>11 better eye on bike riding.</p> <p>12 Q Who would run those meetings? 2:25:13PM</p> <p>13 A I guess it depended what shift you 2:25:15PM</p> <p>14 were on and who the supervisor was.</p> <p>15 Q In 2004, when you started working, 2:25:19PM</p> <p>16 what shift did you work?</p> <p>17 A 2004, I worked, I believe, I 2:25:23PM</p> <p>18 started -- I don't think they changed. It was a</p> <p>19 Friday 9 to 5, 9 to 5 in the morning, and</p> <p>20 Saturday 9 to 5, 5 in the morning.</p> <p>21 MR. NOVIKOFF: Nine in the morning? 2:25:36PM</p> <p>22 THE WITNESS: 9:00 p.m. to 5:00 a.m. 2:25:37PM</p> <p>23 MR. NOVIKOFF: Friday and Saturday? 2:25:40PM</p> <p>24 THE WITNESS: Yes. 2:25:42PM</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 2:25:42PM</p> <p>3 Q And who was in charge of that shift at 2:25:42PM</p> <p>4 that time?</p> <p>5 A Most of the time it was George Hesse. 2:25:46PM</p> <p>6 Q And what about the summer of 2005, did 2:25:48PM</p> <p>7 you also work the night shift?</p> <p>8 A Yes. 2:25:53PM</p> <p>9 Q And was that also under the 2:25:54PM</p> <p>10 supervision of George Hesse?</p> <p>11 A Yes. 2:25:58PM</p> <p>12 Q And summer of 2006, did you also 2:25:59PM</p> <p>13 continue to work night shifts?</p> <p>14 A Yes. 2:26:04PM</p> <p>15 Q And summer 2006, was that also under 2:26:05PM</p> <p>16 the supervision of George Hesse?</p> <p>17 A Yeah, I think George was there all 2:26:12PM</p> <p>18 three years.</p> <p>19 Q What about -- did you ever work day 2:26:15PM</p> <p>20 shifts?</p> <p>21 A I worked Sundays 4 to 12. 2:26:20PM</p> <p>22 Q And would that be ever during the 2:26:23PM</p> <p>23 summers?</p> <p>24 A Yes. I think I worked Sundays -- yes. 2:26:28PM</p> <p>25 Q And what summers did you work the day 2:26:32PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 42</p> <p>1 PAUL CAROLLO</p> <p>2 shift?</p> <p>3 A Well, I definitely worked Sundays 4 to 2:26:35PM</p> <p>4 12 most of the time. I don't remember the first</p> <p>5 year, 2004, if I was working that Sunday or not.</p> <p>6 Certainly I worked 2005 and 2006 Sunday 4 to 12.</p> <p>7 Q When you worked on the day shift, who 2:26:51PM</p> <p>8 was the supervisor?</p> <p>9 A I think George was. 2:26:54PM</p> <p>10 Q Did you ever work on any shifts where 2:27:01PM</p> <p>11 Ed Paradiso was the supervisor?</p> <p>12 A I guess -- yeah, I worked with him a 2:27:10PM</p> <p>13 few times. I don't remember if it was specific</p> <p>14 shifts or they swapped shifts. Did I come in on</p> <p>15 an 8:00? I don't really remember. I worked</p> <p>16 with -- certainly I was there with Ed Paradiso</p> <p>17 on a few times. Did I change shifts, I don't</p> <p>18 remember.</p> <p>19 Q After you worked summer of 2004 and 2:27:30PM</p> <p>20 then part of the year -- part-time fall, winter</p> <p>21 '04, did you have to reapply for a position at</p> <p>22 Ocean Beach for the summer of 2005?</p> <p>23 A No. 2:27:48PM</p> <p>24 Q And prior to the summer of 2006, did 2:27:49PM</p> <p>25 you have to reapply for a position at Ocean</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 43</p> <p>1 PAUL CAROLLO</p> <p>2 Beach as a police officer for summer '06?</p> <p>3 A No. 2:27:58PM</p> <p>4 Q And for the summer of 2007, was that 2:27:59PM</p> <p>5 already after you had stopped working?</p> <p>6 MR. NOVIKOFF: Was the summer season 2:28:07PM</p> <p>7 of '07 after the March? I think we can</p> <p>8 stipulate.</p> <p>9 BY MR. GRAFF: 2:28:16PM</p> <p>10 Q Do you recall, if I say summer 2:28:17PM</p> <p>11 season --</p> <p>12 A Summer of '07 you're asking me. 2:28:18PM</p> <p>13 Q Are there particular months that fall 2:28:24PM</p> <p>14 within the summer season of 2007?</p> <p>15 MR. NOVIKOFF: Note my objection. 2:28:31PM</p> <p>16 A Ask me the question again. 2:28:34PM</p> <p>17 Q Are you aware of anything or have you 2:28:35PM</p> <p>18 heard of summer season in the context of the</p> <p>19 Ocean Beach Police Department?</p> <p>20 A Yeah. 2:28:46PM</p> <p>21 Q What does that refer to, as you 2:28:46PM</p> <p>22 understand it?</p> <p>23 A I don't think there's any written 2:28:53PM</p> <p>24 thing about it. I think there's some sort of</p> <p>25 meeting or something in April, and I think it</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 44</p> <p>1 PAUL CAROLLO</p> <p>2 varies exactly when you start. I guess it</p> <p>3 depends on how much money they have. I don't</p> <p>4 know. Sometime obviously by the end of May</p> <p>5 everybody is up and going.</p> <p>6 MR. NOVIKOFF: Just so we're clear, 2:29:13PM</p> <p>7 all objections as to relevance preserved,</p> <p>8 objections as to form obviously have to be</p> <p>9 made. Regular stip. And also motions to</p> <p>10 strike, we don't have to do it here.</p> <p>11 MR. GRAFF: Right. Reserved. 2:29:28PM</p> <p>12 MR. CONNOLLY: To the extent 2:29:31PM</p> <p>13 necessary, objection by one.</p> <p>14 MR. GRAFF: Inures to the benefit of 2:29:34PM</p> <p>15 everybody, at least everybody present.</p> <p>16 MR. NOVIKOFF: Okay. 2:29:41PM</p> <p>17 MR. CONNOLLY: Okay. 2:29:42PM</p> <p>18 BY MR. GRAFF: 2:29:45PM</p> <p>19 Q Other than when you were going through 2:29:52PM</p> <p>20 the police academy, before you first started</p> <p>21 working at Ocean Beach, did you ever have to</p> <p>22 submit any other paperwork as part of your</p> <p>23 employment there?</p> <p>24 A What? 2:30:04PM</p> <p>25 Q Other than any paperwork that may have 2:30:05PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 45</p> <p>1 PAUL CAROLLO</p> <p>2 been involved in the police academy process, did</p> <p>3 you have to submit other paperwork in the course</p> <p>4 of your employment at Ocean Beach?</p> <p>5 A No. You might have actually put in a 2:30:14PM</p> <p>6 shift request. I'm trying to remember. I don't</p> <p>7 remember that. I think the first year I</p> <p>8 probably had to put in something like what</p> <p>9 shifts I would want to work.</p> <p>10 Q How were you notified that you had 2:30:32PM</p> <p>11 first obtained a position as a police officer at</p> <p>12 Ocean Beach?</p> <p>13 A The first? 2:30:44PM</p> <p>14 Q Yes. 2:30:45PM</p> <p>15 A I guess when I passed the background 2:30:46PM</p> <p>16 investigation.</p> <p>17 Q As far as you know, who hired you as a 2:30:50PM</p> <p>18 police officer at Ocean Beach?</p> <p>19 MR. NOVIKOFF: Objection. 2:30:54PM</p> <p>20 BY MR. GRAFF: 2:30:55PM</p> <p>21 Q That is, who made the decision to hire 2:30:55PM</p> <p>22 you?</p> <p>23 MR. NOVIKOFF: Objection. Foundation. 2:30:58PM</p> <p>24 A Who has the authority to hire me? You 2:31:04PM</p> <p>25 mean like does it go before the village? I</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

Page 46	Page 47
<p>1 PAUL CAROLLO</p> <p>2 don't really know what transpired behind the</p> <p>3 scenes.</p> <p>4 Q So you don't know if -- 2:31:16PM</p> <p>5 A I mean I don't know if there was ever 2:31:17PM</p> <p>6 hey, to the trustees or the mayor or U you know,</p> <p>7 that I don't know.</p> <p>8 Q Did anyone ever communicate to you who 2:31:24PM</p> <p>9 had made the decision to hire you?</p> <p>10 MR. NOVIKOFF: Objection to form. 2:31:34PM</p> <p>11 A The way it appeared to me was that if 2:31:35PM</p> <p>12 you get through the background -- obviously, you</p> <p>13 know, my name is submitted. I don't think</p> <p>14 anybody really -- if you get through the</p> <p>15 investigation, which most people don't, I think</p> <p>16 that's kind of what they base it on.</p> <p>17 Q Do you recall whether in your police 2:32:00PM</p> <p>18 academy class, everybody who was a part of that</p> <p>19 class was seeking a police officer job in Ocean</p> <p>20 Beach?</p> <p>21 A No. 2:32:12PM</p> <p>22 Q Do you remember how many people were 2:32:15PM</p> <p>23 in your class?</p> <p>24 A I'm gonna say 14. 2:32:28PM</p> <p>25 Q And of the people in your class, other 2:32:29PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 than yourself, did anyone else go on to be a</p> <p>3 police officer at Ocean Beach?</p> <p>4 A Yes. 2:32:35PM</p> <p>5 Q Other than this deposition today, have 2:32:52PM</p> <p>6 you ever testified under oath before?</p> <p>7 A Yes. 2:32:57PM</p> <p>8 Q Other than in your capacity as an 2:32:59PM</p> <p>9 arresting officer or in the course of your</p> <p>10 official duties as a police officer at Ocean</p> <p>11 Beach, have you ever had occasion to testify</p> <p>12 under oath?</p> <p>13 MR. NOVIKOFF: Objection to form. 2:33:13PM</p> <p>14 A Ask the question again. 2:33:16PM</p> <p>15 Q Let me narrow the question. 2:33:18PM</p> <p>16 Other than as an arresting officer, 2:33:19PM</p> <p>17 have you ever had another context in which</p> <p>18 you've testified under oath?</p> <p>19 MR. NOVIKOFF: Objection to form. 2:33:26PM</p> <p>20 A Is this considered testifying? 2:33:27PM</p> <p>21 Q Yes. 2:33:29PM</p> <p>22 A A deposition? 2:33:30PM</p> <p>23 Q Yes. 2:33:31PM</p> <p>24 A Yes. 2:33:31PM</p> <p>25 Q And have you had a deposition before? 2:33:32PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 48	Page 49
<p>1 PAUL CAROLLO</p> <p>2 A Yes. 2:33:37PM</p> <p>3 Q Have you been deposed more than once 2:33:38PM</p> <p>4 before?</p> <p>5 A I don't think so. 2:33:44PM</p> <p>6 Q And when did that other deposition 2:33:45PM</p> <p>7 that you had take place?</p> <p>8 A Six years ago. 2:33:56PM</p> <p>9 Q And do you recall what the nature of 2:33:58PM</p> <p>10 the case was that you were testifying in in</p> <p>11 deposition?</p> <p>12 A I'm not going to get into all that. 2:34:15PM</p> <p>13 MR. NOVIKOFF: What was that? 2:34:22PM</p> <p>14 A I'll just say it goes back to the 2:34:24PM</p> <p>15 court.</p> <p>16 Q Which courts are you referring to? 2:34:28PM</p> <p>17 A My job at the courts. 2:34:30PM</p> <p>18 Q Do you know in what court that case 2:34:33PM</p> <p>19 was pending?</p> <p>20 A No. 2:34:38PM</p> <p>21 MR. NOVIKOFF: I just want to be 2:34:39PM</p> <p>22 certain. You asked the question of this</p> <p>23 witness to identify the nature of the</p> <p>24 proceeding in which he was deposed in, and</p> <p>25 this witness has indicated to you he's not</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 going to talk about it.</p> <p>3 MR. GRAFF: Yes. 2:34:52PM</p> <p>4 MR. NOVIKOFF: I just want to make 2:34:53PM</p> <p>5 sure I understood what this witness was</p> <p>6 responding in terms of your question.</p> <p>7 BY MR. GRAFF: 2:35:02PM</p> <p>8 Q I'm sorry, was the answer -- 2:35:03PM</p> <p>9 A Yeah, I'm not going to get into 2:35:05PM</p> <p>10 personal things.</p> <p>11 Q Did that case have anything to do with 2:35:11PM</p> <p>12 Ocean Beach?</p> <p>13 A No. 2:35:15PM</p> <p>14 Q Were you a party in that case, a 2:35:20PM</p> <p>15 plaintiff or defendant?</p> <p>16 A I'm not going to answer any more 2:35:25PM</p> <p>17 questions on that.</p> <p>18 Q Is that the same basis as the other 2:35:31PM</p> <p>19 subject you didn't want to get into?</p> <p>20 A I don't know if they're the same 2:35:36PM</p> <p>21 basis, but, you know...</p> <p>22 Q Other than -- other than in the 2:35:54PM</p> <p>23 context of an arrest or prosecution of somebody</p> <p>24 arrested in Ocean Beach -- withdrawn.</p> <p>25 I think we're all aware that you had 2:36:13PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 50</p> <p>1 PAUL CAROLLO</p> <p>2 testified in connection with the trial involving</p> <p>3 George Hesse.</p> <p>4 MR. NOVIKOFF: Don't presume. I'm an 2:36:18PM</p> <p>5 idiot. I don't read papers.</p> <p>6 MR. GRAFF: I'm confident that that's 2:36:23PM</p> <p>7 not the case.</p> <p>8 A What I will -- without counsel, I'm 2:36:26PM</p> <p>9 not going to get involved in any questioning</p> <p>10 that pertains to me in any of -- cases outside</p> <p>11 of this.</p> <p>12 Q And if you did have counsel, is that 2:36:45PM</p> <p>13 something that you would able to testify to?</p> <p>14 A Obviously, I would have a conversation 2:36:50PM</p> <p>15 with, you know, 0that's why you have, you</p> <p>16 know -- was that not clear?</p> <p>17 MR. NOVIKOFF: No, I understand your 2:37:01PM</p> <p>18 position.</p> <p>19 BY MR. GRAFF: 2:37:02PM</p> <p>20 Q Could you state your present address 2:37:03PM</p> <p>21 for the record?</p> <p>22 A My present address? 2:37:12PM</p> <p>23 Q Where you live. 2:37:15PM</p> <p>24 A 20 Gaymor Lane, Commack. 2:37:16PM</p> <p>25 Q How long have you lived there? 2:37:23PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 51</p> <p>1 PAUL CAROLLO</p> <p>2 A Thirteen years. 2:37:26PM</p> <p>3 Q And whom do you live with at that 2:37:27PM</p> <p>4 address?</p> <p>5 A Wife and children. 2:37:30PM</p> <p>6 Q Just a couple of questions on 2:37:46PM</p> <p>7 educational background. Did you graduate high</p> <p>8 school?</p> <p>9 A Yes. 2:37:52PM</p> <p>10 Q Did you attend any college or 2:37:52PM</p> <p>11 University?</p> <p>12 A Yes. 2:37:55PM</p> <p>13 Q And what was the first college or 2:37:56PM</p> <p>14 University that you attended?</p> <p>15 A Suffolk County Community College. 2:38:00PM</p> <p>16 Q Did you graduate? 2:38:03PM</p> <p>17 A Yes. 2:38:04PM</p> <p>18 Q Did you attend any other college or 2:38:04PM</p> <p>19 University?</p> <p>20 A No. 2:38:10PM</p> <p>21 Q Other than your police officer academy 2:38:12PM</p> <p>22 certification, do you hold any other credentials</p> <p>23 or certifications?</p> <p>24 A Peace officer as a court officer when 2:38:28PM</p> <p>25 I graduated that academy.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 52</p> <p>1 PAUL CAROLLO</p> <p>2 Q Prior to 2007, if we can narrow it 2:38:44PM</p> <p>3 down to that period, so anything before 2007.</p> <p>4 Prior to that time, had you ever been convicted</p> <p>5 of a crime?</p> <p>6 A No. 2:38:58PM</p> <p>7 MR. NOVIKOFF: What was that question? 2:39:00PM</p> <p>8 (Whereupon, the referred to portion 2:39:12PM</p> <p>9 was read back by the court reporter: Prior</p> <p>10 to 2007, if we can narrow it down to that</p> <p>11 period, so anything before 2007. Prior to</p> <p>12 that time, had you ever been convicted of a</p> <p>13 crime?)</p> <p>14 Q And prior to 2007, did you ever plead 2:39:13PM</p> <p>15 guilty to any crime?</p> <p>16 A No. 2:39:22PM</p> <p>17 Q And just for the record, looking now 2:39:25PM</p> <p>18 at the period from 2007 on, were you, between</p> <p>19 2007 and today, ever convicted of a crime?</p> <p>20 A No. 2:39:36PM</p> <p>21 Q Did you plead guilty to any crime 2:39:37PM</p> <p>22 between 2007 and today?</p> <p>23 A No. 2:39:42PM</p> <p>24 Q Prior to 2007, did you plead guilty to 2:39:48PM</p> <p>25 any misdemeanor or violation?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 53</p> <p>1 PAUL CAROLLO</p> <p>2 A Prior to 2007, I had a violation for 2:39:58PM</p> <p>3 an open fire when I worked as a construction</p> <p>4 supervisor.</p> <p>5 Q Other than that instance, did you ever 2:40:05PM</p> <p>6 plead guilty to a misdemeanor or a violation</p> <p>7 prior to 2007?</p> <p>8 A No. 2:40:12PM</p> <p>9 Q What about from 2007 to today, did you 2:40:14PM</p> <p>10 plead guilty to a misdemeanor or violation?</p> <p>11 A No. 2:40:20PM</p> <p>12 Q Have you ever -- other than the case 2:40:29PM</p> <p>13 that you were deposed that we already referred</p> <p>14 to, have you ever been involved in any other</p> <p>15 case as a plaintiff or defendant?</p> <p>16 MR. CONNOLLY: Referring to civil 2:40:43PM</p> <p>17 matters?</p> <p>18 MR. GRAFF: Yes. 2:40:44PM</p> <p>19 A Ask the question again. 2:40:45PM</p> <p>20 Q Did you ever sue anyone? 2:40:46PM</p> <p>21 A Did I ever sue anyone, no. 2:40:48PM</p> <p>22 Q Have you ever been sued by anyone? 2:40:50PM</p> <p>23 A Yes. 2:40:52PM</p> <p>24 Q And what was the nature of the case in 2:40:55PM</p> <p>25 which you were sued?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 54</p> <p>1 PAUL CAROLLO</p> <p>2 A That's the one I just spoke about. 2:41:01PM</p> <p>3 Q Was that the case you were deposed in? 2:41:03PM</p> <p>4 A Yes. 2:41:05PM</p> <p>5 Q Other than in that case, were you ever 2:41:06PM</p> <p>6 sued in any other cases?</p> <p>7 A No. 2:41:10PM</p> <p>8 Q Any employment that you've had, has 2:41:18PM</p> <p>9 any grievance ever been filed against you?</p> <p>10 A No. 2:41:24PM</p> <p>11 Q Has any civilian complaint ever been 2:41:25PM</p> <p>12 filed against you?</p> <p>13 MR. NOVIKOFF: Note my objection to 2:41:34PM</p> <p>14 the form of that question.</p> <p>15 A Yeah, I'm not going to answer that. 2:41:36PM</p> <p>16 I'm not even sure how to answer that.</p> <p>17 Q Is that because you don't understand 2:41:40PM</p> <p>18 the question or because of something else?</p> <p>19 A Both. 2:41:49PM</p> <p>20 Q What part of the question -- 2:41:57PM</p> <p>21 A Well, it falls into things that I'm 2:41:59PM</p> <p>22 not going to talk about without counsel.</p> <p>23 Q Okay. As part of your certification 2:42:03PM</p> <p>24 process to be a police officer, did you take a</p> <p>25 polygraph exam?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 55</p> <p>1 PAUL CAROLLO</p> <p>2 A Yes. 2:42:33PM</p> <p>3 Q Where did you take it? 2:42:33PM</p> <p>4 A Suffolk County, in Yaphank. I don't 2:42:36PM</p> <p>5 know what the building would be classified as.</p> <p>6 Suffolk County police in Yaphank. I don't know</p> <p>7 what the building really falls under.</p> <p>8 Q Did you fill out a questionnaire in 2:42:52PM</p> <p>9 connection with the polygraph exam before it was</p> <p>10 administered to you?</p> <p>11 A Yes. 2:43:00PM</p> <p>12 Q Did you get a copy of any of those 2:43:05PM</p> <p>13 questions on the questionnaire before you filled</p> <p>14 it out?</p> <p>15 A I don't know. I don't think so. 2:43:13PM</p> <p>16 Q Were you informed or given any 2:43:14PM</p> <p>17 information about any of the questions on the</p> <p>18 actual polygraph before it was administered to</p> <p>19 you?</p> <p>20 A I don't remember. 2:43:26PM</p> <p>21 Q Are you aware of any other police 2:43:39PM</p> <p>22 officers at Ocean Beach who were not certified</p> <p>23 to work as police officers at the time that they</p> <p>24 were employed?</p> <p>25 MR. NOVIKOFF: Objection to form. 2:43:47PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 56</p> <p>1 PAUL CAROLLO</p> <p>2 A Ask your question again. 2:43:53PM</p> <p>3 Q Let me ask about some specific people. 2:43:54PM</p> <p>4 Do you know who Gary Bosetti is?</p> <p>5 A Yes. 2:43:58PM</p> <p>6 Q Who is Gary Bosetti? 2:43:59PM</p> <p>7 A Who is he? He was a police officer in 2:44:02PM</p> <p>8 Ocean Beach.</p> <p>9 MR. CONNOLLY: Who is the Gary Bosetti 2:44:08PM</p> <p>10 that you know?</p> <p>11 BY MR. GRAFF: 2:44:11PM</p> <p>12 Q When did you meet Gary Bosetti the 2:44:11PM</p> <p>13 first time?</p> <p>14 A Sometime while I was working. 2:44:15PM</p> <p>15 Q And as far as you know, was Gary 2:44:17PM</p> <p>16 Bosetti certified to work as a police officer at</p> <p>17 Ocean Beach?</p> <p>18 MR. NOVIKOFF: Objection to form. 2:44:22PM</p> <p>19 A When I started there? I mean -- yes, 2:44:25PM</p> <p>20 as far as I knew. To my knowledge, yes.</p> <p>21 Q And Richard Bosetti, is that someone 2:44:34PM</p> <p>22 that you know?</p> <p>23 A Yes. 2:44:40PM</p> <p>24 Q Did you know him also as a police 2:44:41PM</p> <p>25 officer at Ocean Beach?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 57</p> <p>1 PAUL CAROLLO</p> <p>2 A Yes. 2:44:43PM</p> <p>3 Q When did you first meet Richard 2:44:44PM</p> <p>4 Bosetti?</p> <p>5 A When I was working. 2:44:47PM</p> <p>6 Q And to your knowledge, was he -- 2:44:49PM</p> <p>7 throughout the time that you were working with</p> <p>8 him as a police officer, was he, throughout that</p> <p>9 time, certified to work as a police officer?</p> <p>10 MR. NOVIKOFF: Objection. 2:44:58PM</p> <p>11 A When I first started -- ask the 2:45:09PM</p> <p>12 question again.</p> <p>13 MR. NOVIKOFF: Ari, again, 2:45:14PM</p> <p>14 respectfully, you can go through the list of</p> <p>15 names you want. This is your deposition.</p> <p>16 You take the longest witnesses here. But I</p> <p>17 think on this issue, the facts speak for</p> <p>18 themselves, and whether or not this witness</p> <p>19 knew or didn't know, I don't think is</p> <p>20 particularly helpful or relevant. But,</p> <p>21 again, if you want to go down a list of</p> <p>22 employees, by all means, do so.</p> <p>23 BY MR. GRAFF: 2:45:43PM</p> <p>24 Q What I want to know is whether you 2:45:43PM</p> <p>25 were aware --</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 58	Page 59
<p>1 PAUL CAROLLO</p> <p>2 A There's different time elements. 2:45:46PM</p> <p>3 That's why I have a tough time answering</p> <p>4 questions. Certainly, when I started, I had no</p> <p>5 knowledge that they weren't certified or they</p> <p>6 were certified. You know, they were there.</p> <p>7 Q Did anyone ever communicate to you 2:45:56PM</p> <p>8 that anyone else who was a police officer at</p> <p>9 Ocean Beach was not certified to hold that</p> <p>10 position?</p> <p>11 MR. NOVIKOFF: Objection to the form. 2:46:03PM</p> <p>12 I mean, Ari, if you want to ask him if 2:46:05PM</p> <p>13 Mr. Fiorillo or your clients spoke to him</p> <p>14 about that issue, I think that would</p> <p>15 probably be relevant.</p> <p>16 MR. GRAFF: We can narrow it down if 2:46:15PM</p> <p>17 the answer is yes.</p> <p>18 A Is there a question out there? You 2:46:23PM</p> <p>19 want to make the whole thing a little quicker?</p> <p>20 Q Please. 2:46:36PM</p> <p>21 A When I started there, you know, I 2:46:37PM</p> <p>22 don't think that anybody thought that there was</p> <p>23 any problem, whatever. Somewhere along the</p> <p>24 line, I guess something came up about Suffolk</p> <p>25 County Civil Service, and they all started going</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 through the process and whatnot.</p> <p>3 Q How did you learn that something had 2:46:49PM</p> <p>4 come up with Suffolk County Civil Service?</p> <p>5 A I don't know. Just from work. 2:46:53PM</p> <p>6 Q Did anyone ever communicate to you 2:46:58PM</p> <p>7 that somebody at the Ocean Beach Police</p> <p>8 Department had reported any issue with</p> <p>9 certification to the Civil Service Department?</p> <p>10 MR. NOVIKOFF: Objection to form. 2:47:07PM</p> <p>11 A No. 2:47:10PM</p> <p>12 Q Did you ever hear anyone refer to 2:47:21PM</p> <p>13 anyone else in Ocean Beach as a rat in</p> <p>14 connection with anything to do with Civil</p> <p>15 Service?</p> <p>16 MR. NOVIKOFF: Objection to form. 2:47:29PM</p> <p>17 It's pretty broad.</p> <p>18 A Could you ask the question again now. 2:47:32PM</p> <p>19 Q Did you ever hear of anyone referred 2:47:34PM</p> <p>20 to as a rat in connection with raising Civil</p> <p>21 Service certification issues at Ocean Beach?</p> <p>22 MR. NOVIKOFF: Objection to form. 2:47:44PM</p> <p>23 A No. 2:47:45PM</p> <p>24 Q Did you ever hear anyone refer to Tom 2:47:47PM</p> <p>25 Snyder as a rat?</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>
Page 60	Page 61
<p>1 PAUL CAROLLO</p> <p>2 A In reference to the question you're 2:47:59PM</p> <p>3 asking me?</p> <p>4 Q In any context. 2:48:01PM</p> <p>5 A I'm not sure. I can't say for sure. 2:48:06PM</p> <p>6 Q Same question with respect to Frank 2:48:11PM</p> <p>7 Fiorillo.</p> <p>8 A I don't think I ever heard anyone 2:48:16PM</p> <p>9 refer to him as a rat.</p> <p>10 Q What about Ed Carter? 2:48:21PM</p> <p>11 A No. 2:48:24PM</p> <p>12 Q What about Tom Snyder? 2:48:24PM</p> <p>13 A Wait a minute, did you ask that 2:48:29PM</p> <p>14 already?</p> <p>15 Q I'm sorry. Yes. 2:48:32PM</p> <p>16 What about Joe Nofi? 2:48:35PM</p> <p>17 A No. 2:48:38PM</p> <p>18 Q What about Kevin Lamm? 2:48:39PM</p> <p>19 A No. 2:48:41PM</p> <p>20 Q Did you ever hear of an association 2:49:01PM</p> <p>21 called the Ocean Beach PBA?</p> <p>22 A Yes. 2:49:06PM</p> <p>23 Q When did you first hear of that? 2:49:06PM</p> <p>24 A I think George bought dinner one time 2:49:23PM</p> <p>25 and said it was PBA money.</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q Do you remember when that dinner 2:49:28PM</p> <p>3 happened?</p> <p>4 A No. 2:49:36PM</p> <p>5 Q Other than in connection with that 2:49:41PM</p> <p>6 dinner, did you ever hear of any other</p> <p>7 references to the Ocean Beach PBA?</p> <p>8 A Yeah, I think they bought equipment -- 2:49:49PM</p> <p>9 well, are you asking me what they used the money</p> <p>10 for?</p> <p>11 Q Yeah. What you know of what the PBA 2:49:59PM</p> <p>12 did.</p> <p>13 MR. NOVIKOFF: Objection to the form. 2:50:08PM</p> <p>14 A I don't remember if it was 2006 or 2:50:12PM</p> <p>15 2007, they bought a whole bunch of auto</p> <p>16 equipment.</p> <p>17 Q And do you know who was in charge of 2:50:21PM</p> <p>18 the Ocean Beach PBA?</p> <p>19 A I'd really have to answer your 2:50:29PM</p> <p>20 question on an assumption.</p> <p>21 Q As far as you know. 2:50:32PM</p> <p>22 A I guess George. I'm not 100 percent 2:50:32PM</p> <p>23 sure. It's an assumption that it's George.</p> <p>24 Q Did the Ocean Beach PBA, as far as you 2:50:42PM</p> <p>25 know, ever sponsor any parties?</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 62</p> <p>1 PAUL CAROLLO</p> <p>2 A Not that I know of. 2:50:52PM</p> <p>3 Q What about specifically an annual 2:50:53PM</p> <p>4 Christmas party?</p> <p>5 A I went to one Christmas party, and I 2:51:03PM</p> <p>6 don't know who paid for it.</p> <p>7 Q Do you have any information as to who 2:51:11PM</p> <p>8 oversaw the finances of that PBA?</p> <p>9 A Do I have specific knowledge, no. 2:51:20PM</p> <p>10 Q Did anyone ever communicate anything 2:51:25PM</p> <p>11 to you with respect to who was responsible for</p> <p>12 overseeing the PBA's finances?</p> <p>13 A Can you reword that question? 2:51:34PM</p> <p>14 Q Did anyone ever tell you who they 2:51:36PM</p> <p>15 believed was responsible for overseeing the</p> <p>16 PBA's finances?</p> <p>17 A Did anyone tell me? 2:51:46PM</p> <p>18 Q Yes. 2:51:47PM</p> <p>19 A No. 2:51:48PM</p> <p>20 Q Do you know whether the Ocean Beach 2:51:51PM</p> <p>21 PBA solicited donations or raised money?</p> <p>22 MR. NOVIKOFF: Objection to form. 2:51:59PM</p> <p>23 A They were given money from different 2:52:05PM</p> <p>24 homeowners, but I don't know if they solicited</p> <p>25 or people just donated.</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 63</p> <p>1 PAUL CAROLLO</p> <p>2 Q As far as you know, were you a member 2:52:12PM</p> <p>3 of the Ocean Beach PBA?</p> <p>4 A I don't know. I assume that everybody 2:52:14PM</p> <p>5 was. I don't know.</p> <p>6 Q Did you ever receive a PBA membership 2:52:17PM</p> <p>7 card?</p> <p>8 A No. 2:52:20PM</p> <p>9 Q Do you know who any of the officers, 2:52:20PM</p> <p>10 if any existed, worked for the Ocean Beach</p> <p>11 PBA -- withdrawn. Do you know if there was a</p> <p>12 board --</p> <p>13 A I assumed everyone was in it. I 2:52:35PM</p> <p>14 assumed Ocean Beach PBA, whatever money came</p> <p>15 into it. I don't think there was any kind of</p> <p>16 joining thing.</p> <p>17 MR. GRAFF: I'm going to ask the court 2:52:53PM</p> <p>18 reporter to mark as Exhibit 3 a one-page</p> <p>19 document bearing Bates number P 926.</p> <p>20 (Whereupon, a one-page document 2:53:02PM</p> <p>21 bearing Bates number P 926 was marked as</p> <p>22 Plaintiff's Exhibit 3 for identification, as</p> <p>23 of this date.)</p> <p>24 A Do you want me to read this? 2:53:31PM</p> <p>25 Q Yeah, if you could please take a look 2:53:33PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 64</p> <p>1 PAUL CAROLLO</p> <p>2 at it.</p> <p>3 A Okay. 2:55:00PM</p> <p>4 Q Mr. Carollo, is this -- what's been 2:55:01PM</p> <p>5 marked as Exhibit 3, have you seen this before</p> <p>6 or a copy of it?</p> <p>7 A No. 2:55:08PM</p> <p>8 Q Looking at the second paragraph, it 2:55:10PM</p> <p>9 says, "The department is looking into the</p> <p>10 possibility of recruiting two full-time police</p> <p>11 officers for the roster this year."</p> <p>12 Are you aware of any full-time police 2:55:22PM</p> <p>13 officers who were hired in 2006 or 2007 at Ocean</p> <p>14 Beach?</p> <p>15 A Full-time? 2:55:36PM</p> <p>16 Q Do you have an understanding of who 2:55:37PM</p> <p>17 this refers to?</p> <p>18 A I know someone was hired from NYPD. I 2:55:52PM</p> <p>19 don't know if it was this year and that's who</p> <p>20 it's referring to.</p> <p>21 Q And who's that person that you're 2:55:59PM</p> <p>22 thinking of?</p> <p>23 A Paul Trosco. 2:56:03PM</p> <p>24 Q Jumping down to the third paragraph, 2:56:05PM</p> <p>25 it says in the third sentence, "This coming</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 65</p> <p>1 PAUL CAROLLO</p> <p>2 spring, we're looking to add a new digital video</p> <p>3 surveillance system in and around the police</p> <p>4 facility."</p> <p>5 Do you know what that's referring to? 2:56:21PM</p> <p>6 MR. NOVIKOFF: Objection to the form. 2:56:23PM</p> <p>7 BY MR. GRAFF: 2:56:38PM</p> <p>8 Q Maybe I can ask the question separate 2:56:39PM</p> <p>9 from this.</p> <p>10 A Okay, so this is after 2005. 2:56:44PM</p> <p>11 Q Are you aware of a digital 2:56:48PM</p> <p>12 surveillance system that was installed around</p> <p>13 that time in the Ocean Beach Police Department?</p> <p>14 MR. NOVIKOFF: Objection to the form. 2:56:54PM</p> <p>15 A Ask the question again. 2:56:59PM</p> <p>16 Q Are you aware of a digital 2:57:00PM</p> <p>17 surveillance system at the Ocean Beach Police</p> <p>18 Department?</p> <p>19 MR. NOVIKOFF: Objection. 2:57:07PM</p> <p>20 MR. CONNOLLY: At what juncture? 2:57:10PM</p> <p>21 MR. GRAFF: At any point. 2:57:12PM</p> <p>22 A You're asking me -- they put in new 2:57:18PM</p> <p>23 cameras.</p> <p>24 Q Yes. Do you recall them doing that at 2:57:24PM</p> <p>25 some point?</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 66</p> <p>1 PAUL CAROLLO</p> <p>2 A Yes. 2:57:28PM</p> <p>3 Q Do you know when -- 2:57:30PM</p> <p>4 A I assume -- I'm a technical idiot, as 2:57:31PM</p> <p>5 my kids can tell you. Is it digital or not, I</p> <p>6 don't know.</p> <p>7 Q Do you know why a new surveillance 2:57:37PM</p> <p>8 camera was installed at some point?</p> <p>9 MR. CONNOLLY: Objection. 2:57:41PM</p> <p>10 MR. NOVIKOFF: The question is does he 2:57:42PM</p> <p>11 know why a new camera was installed?</p> <p>12 MR. GRAFF: Yes. 2:57:46PM</p> <p>13 BY MR. GRAFF: 2:57:46PM</p> <p>14 Q Did anybody ever explain to you why a 2:57:47PM</p> <p>15 new one was installed?</p> <p>16 MR. NOVIKOFF: Objection to form. 2:57:51PM</p> <p>17 A I believe the old one was broken. 2:57:52PM</p> <p>18 MR. NOVIKOFF: Makes sense. 2:57:55PM</p> <p>19 BY MR. GRAFF: 2:57:56PM</p> <p>20 Q Do you recall having any discussions 2:58:00PM</p> <p>21 with anyone at the police department about that?</p> <p>22 MR. NOVIKOFF: Objection to the form. 2:58:06PM</p> <p>23 A I think everyone knew it was broken. 2:58:09PM</p> <p>24 Q And for how long was it broken before 2:58:12PM</p> <p>25 the new system was installed?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 67</p> <p>1 PAUL CAROLLO</p> <p>2 MR. NOVIKOFF: Objection. Foundation. 2:58:17PM</p> <p>3 A I don't know when they put the new one 2:58:20PM</p> <p>4 in exactly. I know that -- I'm trying to think,</p> <p>5 actually. I shouldn't say I know that. Yeah, I</p> <p>6 have no idea. I know there's a new one in.</p> <p>7 When that went in, I don't know. And the time</p> <p>8 span between when that went in and the new one</p> <p>9 went in, I don't know.</p> <p>10 MR. GRAFF: I'm going to have marked 2:58:44PM</p> <p>11 as Exhibits 4 and 5 two photographs.</p> <p>12 (Whereupon, a photocopy was marked as 2:58:49PM</p> <p>13 Plaintiff's Exhibit 4 for identification, as</p> <p>14 of this date.)</p> <p>15 (Whereupon, a photocopy was marked as 2:58:50PM</p> <p>16 Plaintiff's Exhibit 5 for identification, as</p> <p>17 of this date.)</p> <p>18 BY MR. GRAFF: 3:03:05PM</p> <p>19 Q Mr. Carollo, looking first at the 3:03:06PM</p> <p>20 document that's been marked Exhibit 4, do you</p> <p>21 recognize what's depicted here as something</p> <p>22 you've seen before?</p> <p>23 Were you thinking about the question? 3:04:31PM</p> <p>24 A No, I'm thinking about whether I've 3:04:33PM</p> <p>25 seen it because I don't want to answer a</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 68</p> <p>1 PAUL CAROLLO</p> <p>2 question that I'm making an assumption on.</p> <p>3 Q Have you seen anything similar to the 3:05:02PM</p> <p>4 writing on Exhibit 4?</p> <p>5 MR. NOVIKOFF: Objection. 3:05:05PM</p> <p>6 MR. CONNOLLY: Objection. 3:05:06PM</p> <p>7 A My problem with the question is I'd 3:05:15PM</p> <p>8 only end up answering it on an assumption.</p> <p>9 Q What's the assumption? 3:05:21PM</p> <p>10 MR. NOVIKOFF: Note my objection. 3:05:22PM</p> <p>11 A My assumption, it could be on a 3:05:23PM</p> <p>12 bathroom wall.</p> <p>13 Q What bathroom wall? 3:05:28PM</p> <p>14 A In the station. 3:05:29PM</p> <p>15 Q In the Ocean Beach police station. 3:05:31PM</p> <p>16 A I don't really remember seeing it. 3:05:37PM</p> <p>17 That's why it's more of an assumption. I don't</p> <p>18 really remember seeing these.</p> <p>19 MR. NOVIKOFF: That answers it. 3:05:45PM</p> <p>20 BY MR. GRAFF: 3:05:46PM</p> <p>21 Q Do you recall seeing any writings on 3:05:46PM</p> <p>22 the Ocean Beach Police Department wall that</p> <p>23 referred to the name Lamm?</p> <p>24 A There was different things written all 3:05:53PM</p> <p>25 over the place on the wall. That's why I'm</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 69</p> <p>1 PAUL CAROLLO</p> <p>2 making more of an assumption than I can say,</p> <p>3 yeah, this definitely is what I saw there.</p> <p>4 MR. NOVIKOFF: Is the question, Ari, 3:06:04PM</p> <p>5 has he seen anything on the wall referring</p> <p>6 to Lamm different than what's on Exhibit 4?</p> <p>7 MR. GRAFF: That may be the same or 3:06:12PM</p> <p>8 may be different.</p> <p>9 BY MR. GRAFF: 3:06:15PM</p> <p>10 Q Do you have an actual memory of seeing 3:06:15PM</p> <p>11 anything that had the name Lamm on the bathroom</p> <p>12 wall?</p> <p>13 MR. NOVIKOFF: Objection. Form. 3:06:20PM</p> <p>14 Asked and answered.</p> <p>15 A There was a few derogatory things on 3:06:22PM</p> <p>16 the bathroom wall. I'd like to say that, yeah,</p> <p>17 this was definitely something I saw.</p> <p>18 Q Can you think of any derogatory things 3:06:34PM</p> <p>19 that were written on the wall that you</p> <p>20 definitely can remember? A different</p> <p>21 question --</p> <p>22 MR. NOVIKOFF: Are you withdrawing the 3:07:07PM</p> <p>23 question?</p> <p>24 A In -- 3:07:15PM</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 70	Page 71
<p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 3:07:17PM</p> <p>3 Q Were you going to be able to answer 3:07:18PM</p> <p>4 that?</p> <p>5 A The Snyderized one is probably a 3:07:29PM</p> <p>6 little more familiar to me than the other.</p> <p>7 Q That's Carollo Exhibit 5? 3:07:35PM</p> <p>8 A That's really -- I can't say I 3:07:57PM</p> <p>9 definite saw that, I definitely remember that.</p> <p>10 There's derogatory things written on the walls.</p> <p>11 I don't remember the exact things or exactly</p> <p>12 why.</p> <p>13 Q And do you recall specifically who any 3:08:09PM</p> <p>14 of the derogatory things referred to?</p> <p>15 MR. NOVIKOFF: Objection. Asked and 3:08:16PM</p> <p>16 answered.</p> <p>17 A There's a few names on there, I 3:08:22PM</p> <p>18 believe. I believe I even saw George's name on</p> <p>19 there.</p> <p>20 Q Other than George's name, can you 3:08:28PM</p> <p>21 remember any others?</p> <p>22 MR. CONNOLLY: That would be George 3:08:33PM</p> <p>23 Hesse?</p> <p>24 THE WITNESS: Yeah. 3:08:35PM</p> <p>25 A See, I'm not sure about the woman part 3:08:43PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 in there also. I may have just heard people say</p> <p>3 Snyderized.</p> <p>4 Q Can you remember anybody you heard say 3:08:50PM</p> <p>5 Snyderized?</p> <p>6 A No. 3:08:56PM</p> <p>7 Q And going back to Exhibit 4, do you 3:08:57PM</p> <p>8 remember seeing any part of that writing on the</p> <p>9 wall?</p> <p>10 MR. NOVIKOFF: Note my objection. I 3:09:07PM</p> <p>11 think the witness already testified that</p> <p>12 anything he would be doing would be based on</p> <p>13 an assumption.</p> <p>14 THE WITNESS: Yeah. 3:09:17PM</p> <p>15 BY MR. GRAFF: 3:09:23PM</p> <p>16 Q And on Exhibit 5, do you remember 3:09:23PM</p> <p>17 seeing any specific portion of Exhibit 5 on the</p> <p>18 wall?</p> <p>19 A Yes, I don't know. Maybe there was 3:09:50PM</p> <p>20 just a Snyderized on it and then something on</p> <p>21 the top. Obviously different things were</p> <p>22 written in here at different times.</p> <p>23 Q Do you remember what you saw written 3:10:00PM</p> <p>24 about George?</p> <p>25 A No. 3:10:03PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 72	Page 73
<p>1 PAUL CAROLLO</p> <p>2 Q With reference to George? 3:10:03PM</p> <p>3 Other than George and possibly 3:10:05PM</p> <p>4 Snyderized, do you remember any other names that</p> <p>5 you saw written on the wall?</p> <p>6 MR. NOVIKOFF: Objection. Asked and 3:10:11PM</p> <p>7 answered.</p> <p>8 A No. I think the only thing I remember 3:10:22PM</p> <p>9 about Hesse is probably where you're standing</p> <p>10 and you're there. I don't even know what it</p> <p>11 said or what it didn't say. I just remember</p> <p>12 H-E-S-S-E.</p> <p>13 Q If I said "George was here," would 3:10:33PM</p> <p>14 that refresh your recollection as to what was</p> <p>15 said with reference to George Hesse?</p> <p>16 A Yeah. Actually, yeah. 3:10:39PM</p> <p>17 Q Do you recall that's what it said? 3:10:41PM</p> <p>18 A I think there may have been things 3:10:46PM</p> <p>19 added to it later. I can't totally remember</p> <p>20 now. It was an ongoing thing. Who paid any</p> <p>21 attention to this crap.</p> <p>22 Q Did anybody ever make any statements 3:10:55PM</p> <p>23 to you about anything written on the bathroom in</p> <p>24 the Ocean Beach Police Department?</p> <p>25 A No. 3:11:01PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 MR. GRAFF: I'd ask the court reporter 3:11:05PM</p> <p>3 to please mark as Carollo Exhibit 6 a</p> <p>4 one-page document bearing Bates No. P 925.</p> <p>5 (Whereupon, a one-page document 3:11:15PM</p> <p>6 bearing Bates No. P 925 was marked as</p> <p>7 Plaintiff's Exhibit 6 for identification, as</p> <p>8 of this date.)</p> <p>9 BY MR. GRAFF: 3:11:34PM</p> <p>10 Q Mr. Carollo, do you recognize what's 3:11:36PM</p> <p>11 depicted on Exhibit 6 as something you've seen</p> <p>12 before? (Hanging.)</p> <p>13 A This I've never seen. 3:11:43PM</p> <p>14 Q Have you ever heard anyone at the -- 3:11:45PM</p> <p>15 any employee of Ocean Beach refer to Kevin Lamm</p> <p>16 as gay or homosexual?</p> <p>17 A There was never an intense 3:12:04PM</p> <p>18 conversation. I guess I've heard that.</p> <p>19 Q Do you recall who said that? 3:12:08PM</p> <p>20 A No. 3:12:09PM</p> <p>21 Q Do you recall who might have been 3:12:18PM</p> <p>22 present when that was said?</p> <p>23 MR. NOVIKOFF: Who might have been 3:12:21PM</p> <p>24 present?</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 74</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 3:12:23PM</p> <p>3 Q Who was present when that was said. 3:12:23PM</p> <p>4 A I mean, I think that was only one time 3:12:25PM</p> <p>5 I heard that in jest or whatever. So I don't</p> <p>6 think, you know -- I can't specifically remember</p> <p>7 any exact instant that I heard it, no.</p> <p>8 Q Even if you don't remember the 3:12:42PM</p> <p>9 specific time that it was said, do you remember</p> <p>10 who it was who said words to that effect?</p> <p>11 MR. CONNOLLY: Objection. I believe 3:12:56PM</p> <p>12 it's been asked and answered.</p> <p>13 A It probably had been different people 3:13:04PM</p> <p>14 even, not one specific person even.</p> <p>15 Q Do you recall -- 3:13:10PM</p> <p>16 A That's why I couldn't say yeah, this 3:13:11PM</p> <p>17 person specifically said it.</p> <p>18 Q Do you recall hearing George Hesse 3:13:14PM</p> <p>19 refer to Kevin Lamm as gay, homosexual, fag or</p> <p>20 words to that effect?</p> <p>21 A I've heard George say things about a 3:13:31PM</p> <p>22 lot of people. I'm not sure I can say I</p> <p>23 specifically heard him say that or not.</p> <p>24 MR. NOVIKOFF: I think that was the 3:13:43PM</p> <p>25 answer.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 75</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 3:13:44PM</p> <p>3 Q Are you still thinking about that or 3:13:45PM</p> <p>4 is that it?</p> <p>5 A Yeah. I can't say that I can 3:13:50PM</p> <p>6 definitely say I've heard him definitely say</p> <p>7 that. I've heard it. I've heard it probably</p> <p>8 from more than -- I don't want to say more than</p> <p>9 one -- I don't know how to word it exactly.</p> <p>10 It's not like one person said it that I can</p> <p>11 remember a specific person. It was only one</p> <p>12 time, whatever. Certainly, there was always</p> <p>13 reference, I don't know how you want to word it,</p> <p>14 you know, about Kevin --</p> <p>15 Q And -- 3:14:22PM</p> <p>16 A -- in that sense of gay. I don't 3:14:23PM</p> <p>17 think it was a serious thing. Serious in the</p> <p>18 sense of that someone said, oh, he's gay,</p> <p>19 whatever.</p> <p>20 Q And do you recall there being 3:14:32PM</p> <p>21 references of that nature to anyone other than</p> <p>22 Kevin Lamm at the Ocean Beach Police Department?</p> <p>23 MR. NOVIKOFF: That someone else was 3:14:41PM</p> <p>24 gay?</p> <p>25 MR. GRAFF: Yes. 3:14:42PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 76</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 3:14:50PM</p> <p>3 Q Do you recall other people at the 3:14:51PM</p> <p>4 Ocean Beach Police Department referring --</p> <p>5 A No. 3:14:54PM</p> <p>6 Q Thank you. Let's put aside 3:14:57PM</p> <p>7 Exhibits 4, 5 and 6.</p> <p>8 The word "Snyderized" on Exhibit 5, 3:15:07PM</p> <p>9 other than seeing it written on Exhibit 5, is</p> <p>10 that a term that you encountered prior to today?</p> <p>11 A Yeah, I've heard that word. 3:15:27PM</p> <p>12 Q And do you recall who used that word? 3:15:29PM</p> <p>13 A I -- I almost think he was the one 3:15:33PM</p> <p>14 that started it.</p> <p>15 Q Do you have an understanding of what 3:15:40PM</p> <p>16 Snyderized means?</p> <p>17 A No -- I guess -- I -- an understanding 3:15:47PM</p> <p>18 of what it means? I don't know. Kind of when</p> <p>19 you put anything on anything, any reference of</p> <p>20 ized, however you want to word it. I mean, the</p> <p>21 word is used -- ized, you know, it's used at the</p> <p>22 end of a lot of -- not a lot words, but when</p> <p>23 it's used, it's kind of like --</p> <p>24 Q Do you recall who else was on duty 3:16:24PM</p> <p>25 with you on your very first shift as a police</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 77</p> <p>1 PAUL CAROLLO</p> <p>2 officer at Ocean Beach?</p> <p>3 A Who was on shift with me the very 3:16:34PM</p> <p>4 first night?</p> <p>5 Q Yes. 3:16:37PM</p> <p>6 A I don't know if I can say exactly my 3:16:47PM</p> <p>7 first night. I'm trying to think if I can say</p> <p>8 definitely. I'm not 100 percent sure I remember</p> <p>9 my first night. They all kind of run into the</p> <p>10 same. I probably worked with the same group of</p> <p>11 people most of the time.</p> <p>12 Q When you first started working, who 3:17:04PM</p> <p>13 were the individuals in that group?</p> <p>14 A I remember meeting -- you're talking 3:17:13PM</p> <p>15 about when I first started in 2004?</p> <p>16 Q Yeah. 3:17:17PM</p> <p>17 A I remember -- let's see, there was 3:17:20PM</p> <p>18 John -- what's John's last name?</p> <p>19 MR. NOVIKOFF: Awly [sic]? 3:17:29PM</p> <p>20 THE WITNESS: No. 3:17:32PM</p> <p>21 BY MR. GRAFF: 3:17:33PM</p> <p>22 Q John Dyer? 3:17:34PM</p> <p>23 A John Dyer. I'm trying to remember who 3:17:35PM</p> <p>24 used to be with me in the parking lot. John</p> <p>25 Dyer, I guess George had come in, myself, Frank,</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 78</p> <p>1 PAUL CAROLLO</p> <p>2 Kevin was on the shift. You know, there were</p> <p>3 guys there waiting already. So you had -- there</p> <p>4 were four or five. Myself, George, Kevin,</p> <p>5 Frank, John Dyer. I remember John because he</p> <p>6 had the truck.</p> <p>7 Q And you had referred earlier to a 3:18:11PM</p> <p>8 parking lot. What lot are you referring to?</p> <p>9 A The one by the lighthouse, by where 3:18:16PM</p> <p>10 you meet.</p> <p>11 Q Where you would meet before you went 3:18:20PM</p> <p>12 on shift?</p> <p>13 A Yes. 3:18:24PM</p> <p>14 Q Your very first shift that you worked 3:18:29PM</p> <p>15 at Ocean Beach, do you recall whether that was a</p> <p>16 night shift?</p> <p>17 A Yeah, I think it was 9 to 5. 3:18:34PM</p> <p>18 Q Do you recall whether Frank Fiorillo 3:18:36PM</p> <p>19 was on that shift with you?</p> <p>20 A I think we worked most of the shifts. 3:18:45PM</p> <p>21 Q Do you recall on your very first 3:18:48PM</p> <p>22 shift, when you were in the parking lot, any</p> <p>23 words that were exchanged between Frank Fiorillo</p> <p>24 and George Hesse?</p> <p>25 A If you're referring -- I don't know -- 3:19:04PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 79</p> <p>1 PAUL CAROLLO</p> <p>2 if you're referring to an incident that happened</p> <p>3 in the truck, I don't know if that was my first</p> <p>4 shift or not.</p> <p>5 Q What incident involving a truck are 3:19:13PM</p> <p>6 you referring to?</p> <p>7 A You're talking about when they had a 3:19:20PM</p> <p>8 fight about washing the truck?</p> <p>9 Q Yes. What are you referring to by 3:19:24PM</p> <p>10 that?</p> <p>11 A He asked him to wash the truck and he 3:19:27PM</p> <p>12 said no.</p> <p>13 MR. NOVIKOFF: This is like Abbott and 3:19:29PM</p> <p>14 Costello here.</p> <p>15 BY MR. GRAFF: 3:19:32PM</p> <p>16 Q So George Hesse asked Frank Fiorillo 3:19:37PM</p> <p>17 to wash the truck?</p> <p>18 A I think to wash the windows. 3:19:39PM</p> <p>19 Q And that was in the parking lot? 3:19:41PM</p> <p>20 A It was in the truck, I believe. 3:19:43PM</p> <p>21 Q And that was before everybody went on 3:19:45PM</p> <p>22 duty at the station before the start of the</p> <p>23 shift?</p> <p>24 A It was on the way in, yeah. So I 3:19:52PM</p> <p>25 guess, yeah.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 80</p> <p>1 PAUL CAROLLO</p> <p>2 Q And when you worked a shift, would you 3:19:57PM</p> <p>3 be paid beginning from when you arrived at the</p> <p>4 parking lot or beginning from when you came on</p> <p>5 duty at the station or something else?</p> <p>6 MR. NOVIKOFF: Note my objection. 3:20:10PM</p> <p>7 MR. CONNOLLY: Objection to form. 3:20:11PM</p> <p>8 A You would meet at 8:30. Shift started 3:20:18PM</p> <p>9 at 9:00.</p> <p>10 Q Thanks. 3:20:23PM</p> <p>11 MR. GRAFF: I think at this point I do 3:20:30PM</p> <p>12 have a number of areas to cover, and it's</p> <p>13 getting late in the day and I don't know how</p> <p>14 late we'll be able to reach the court.</p> <p>15 Maybe now would be a good time to call and</p> <p>16 get some direction from Judge Boyle on the</p> <p>17 areas you didn't want to answer.</p> <p>18 MR. CONNOLLY: That's fine. Also at 3:20:47PM</p> <p>19 this juncture, if we can ask Mr. Carollo as</p> <p>20 to what his availability is time-wise for</p> <p>21 tonight.</p> <p>22 BY MR. GRAFF: 3:20:57PM</p> <p>23 Q Mr. Carollo, do you have any 3:20:59PM</p> <p>24 constraint?</p> <p>25 A No. Only because I had to take time 3:21:02PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 81</p> <p>1 PAUL CAROLLO</p> <p>2 off of work. I'm not using time.</p> <p>3 Q Before we go off the record -- 3:21:15PM</p> <p>4 MR. NOVIKOFF: Assume Judge Boyle says 3:21:18PM</p> <p>5 that Mr. Carollo has to answer the questions</p> <p>6 on the subject that you want to ask him on,</p> <p>7 given what you now see are the answers that</p> <p>8 are coming, how long do you think this will</p> <p>9 go?</p> <p>10 MR. GRAFF: Those questions won't take 3:21:34PM</p> <p>11 long.</p> <p>12 MR. NOVIKOFF: I'm not suggesting that 3:21:36PM</p> <p>13 they would. We've now been doing this for</p> <p>14 an hour and a half so we have kind of a</p> <p>15 sense of how the witness answers the</p> <p>16 questions.</p> <p>17 MR. GRAFF: At the pace we're going, 3:21:45PM</p> <p>18 it would likely be a couple of hours.</p> <p>19 Before we go off, I believe you and I 3:21:55PM</p> <p>20 had some discussions when we were scheduling</p> <p>21 the time for your deposition. Do you recall</p> <p>22 speaking with me about when you wanted to</p> <p>23 start the deposition time? That is why</p> <p>24 we're starting at 2:00 instead of earlier in</p> <p>25 the day.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 82	Page 83
<p>1 PAUL CAROLLO</p> <p>2 MR. NOVIKOFF: Ari, we're not going to 3:22:14PM</p> <p>3 blame you. We're pretty sure it was at the</p> <p>4 convenience of the witness.</p> <p>5 MR. GRAFF: Is that accurate? 3:22:19PM</p> <p>6 THE WITNESS: Yeah. 3:22:20PM</p> <p>7 MR. GRAFF: Also, as far as the 3:22:22PM</p> <p>8 location, I believe you had indicated that</p> <p>9 it was more convenient for you to have the</p> <p>10 deposition here than in the city, correct?</p> <p>11 THE WITNESS: Yes. 3:22:30PM</p> <p>12 MR. GRAFF: Off the record. 3:22:33PM</p> <p>13 (Whereupon, a discussion was held off 3:22:34PM</p> <p>14 the record.)</p> <p>15 MR. GRAFF: I'm going to ask the court 3:29:16PM</p> <p>16 reporter to mark as Carollo Exhibit 7 a</p> <p>17 one-page document bearing Bates Number 2662.</p> <p>18 (Whereupon, a one-page document 3:29:28PM</p> <p>19 bearing Bates No. 2662 was marked as</p> <p>20 Plaintiff's Exhibit 7 for identification, as</p> <p>21 of this date.)</p> <p>22 BY MR. GRAFF: 3:32:38PM</p> <p>23 Q Mr. Carollo, do you recognize what's 3:32:39PM</p> <p>24 been marked as Carollo Exhibit 7?</p> <p>25 A It's a letter -- I mean do, I 3:32:51PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 recognize it specifically?</p> <p>3 Q Yes. 3:32:55PM</p> <p>4 A I mean obviously I see what it is. 3:32:56PM</p> <p>5 It's not like do I remember this specific</p> <p>6 letter, no. I mean I see what it is.</p> <p>7 Q Do you understand what the letter is 3:33:10PM</p> <p>8 referring to in the first sentence when it says</p> <p>9 "our annual department meeting"?</p> <p>10 A Yes. 3:33:16PM</p> <p>11 MR. NOVIKOFF: Objection. 3:33:17PM</p> <p>12 BY MR. GRAFF: 3:33:17PM</p> <p>13 Q Could you explain what that refers to? 3:33:18PM</p> <p>14 MR. NOVIKOFF: Objection. 3:33:20PM</p> <p>15 A I believe from the time that I was 3:33:29PM</p> <p>16 there, there was -- you know, in April, there's</p> <p>17 a meeting.</p> <p>18 Q And who, in your experience, attends 3:33:40PM</p> <p>19 that April meeting?</p> <p>20 A All the officers. 3:33:45PM</p> <p>21 Q And is there a general agenda for what 3:33:47PM</p> <p>22 is discussed at the April meetings?</p> <p>23 MR. NOVIKOFF: Objection. 3:33:54PM</p> <p>24 A I'm trying to think. I think I may 3:34:01PM</p> <p>25 have only been to two of them.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 84	Page 85
<p>1 PAUL CAROLLO</p> <p>2 Q Were you at the April meeting in 2006? 3:34:05PM</p> <p>3 A I assume so. 3:34:20PM</p> <p>4 Q Do you recall being there? 3:34:23PM</p> <p>5 A I can't recall it. 3:34:28PM</p> <p>6 MR. NOVIKOFF: That should make it a 3:34:30PM</p> <p>7 little shorter.</p> <p>8 A I'm trying to think of the ones I went 3:34:37PM</p> <p>9 to. I remember the meetings I went to, so I'm</p> <p>10 trying to think which years they were. 2004 I</p> <p>11 was in academy. I didn't go to that.</p> <p>12 MR. NOVIKOFF: I'm not sure, is there 3:35:21PM</p> <p>13 a question pending?</p> <p>14 A I'm trying to think what years I went. 3:35:26PM</p> <p>15 I went to two of them, I believe. Probably</p> <p>16 2006, 2007. I don't think I went to the 2005</p> <p>17 one either. From reading the letter, yes, I was</p> <p>18 at this one.</p> <p>19 Q Were you issued a new ID card at this 3:35:50PM</p> <p>20 meeting?</p> <p>21 MR. NOVIKOFF: Note my objection. I 3:35:57PM</p> <p>22 don't know if the witness testified for a</p> <p>23 fact that he knows he was at this meeting,</p> <p>24 so there's a foundation problem.</p> <p>25 A I got a few ID cards. That's why I'm 3:36:16PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 trying to think -- the bringing of everything, I</p> <p>3 remember. As far as, you know, that's the</p> <p>4 date -- I'm going on the assumption of the date.</p> <p>5 The ID cards, I believe they gave out new ID</p> <p>6 cards.</p> <p>7 Q Do you remember if everybody that 3:36:54PM</p> <p>8 appeared at that meeting was issued a new ID</p> <p>9 card for the next season?</p> <p>10 MR. NOVIKOFF: Note my objection. 3:37:01PM</p> <p>11 A I couldn't answer that, no. 3:37:02PM</p> <p>12 Q Do you recall -- first of all, if I 3:37:06PM</p> <p>13 refer to the plaintiffs in this case, do you</p> <p>14 know who I'm referring to?</p> <p>15 A Yes. 3:37:12PM</p> <p>16 Q Do you recall whether any of the 3:37:13PM</p> <p>17 plaintiffs in this case were present at that</p> <p>18 meeting at any point?</p> <p>19 MR. NOVIKOFF: Same objection. 3:37:19PM</p> <p>20 A The meeting that -- this meeting that 3:37:21PM</p> <p>21 I'm referring to is the one they were let go.</p> <p>22 MR. NOVIKOFF: Can you then just ask, 3:37:36PM</p> <p>23 so I don't have to spend five minutes on it,</p> <p>24 does this witness recall being at an annual</p> <p>25 department meeting in which the plaintiffs</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 86</p> <p>1 PAUL CAROLLO</p> <p>2 were let go?</p> <p>3 MR. GRAFF: Sure. 3:37:45PM</p> <p>4 BY MR. GRAFF: 3:37:46PM</p> <p>5 Q Do you need me to repeat that 3:37:47PM</p> <p>6 question?</p> <p>7 A Do we need it for the record? 3:37:50PM</p> <p>8 MR. NOVIKOFF: Do you recall attending 3:37:54PM</p> <p>9 an annual department meeting during which</p> <p>10 time the plaintiffs were not rehired and/or</p> <p>11 let go?</p> <p>12 THE WITNESS: Yes. 3:38:04PM</p> <p>13 BY MR. GRAFF: 3:38:06PM</p> <p>14 Q And do you recall seeing any of the 3:38:18PM</p> <p>15 plaintiffs at that meeting?</p> <p>16 A Yes. 3:38:22PM</p> <p>17 Q And who do you recall seeing? 3:38:22PM</p> <p>18 A Frank, Carter, Kevin, and Nofi. I 3:38:29PM</p> <p>19 think Snyder was the one that wasn't there.</p> <p>20 Q Prior to that meeting, had you spoken 3:38:46PM</p> <p>21 with anyone about staffing issues for the coming</p> <p>22 season; that is, anyone at the Ocean Beach</p> <p>23 Police Department?</p> <p>24 A Staffing issues, no. 3:39:00PM</p> <p>25 Q When did you first learn that the 3:39:01PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 87</p> <p>1 PAUL CAROLLO</p> <p>2 plaintiffs would not be working the 2006 summer</p> <p>3 season?</p> <p>4 A I believe at the meeting. 3:39:10PM</p> <p>5 Q Prior to the meeting, did anyone say 3:39:13PM</p> <p>6 anything to you with respect to the continued or</p> <p>7 non-continued employment of the plaintiffs?</p> <p>8 MR. NOVIKOFF: Objection. 3:39:26PM</p> <p>9 A I don't remember having a discussion 3:39:27PM</p> <p>10 about that.</p> <p>11 Q Do you recall discussing with anyone 3:39:29PM</p> <p>12 prior to that meeting that the plaintiffs would</p> <p>13 be let go at that meeting?</p> <p>14 A No, I don't remember that. 3:39:38PM</p> <p>15 Q Do you recall discussing with anyone 3:39:43PM</p> <p>16 or anyone saying anything to you prior to that</p> <p>17 meeting that the plaintiffs would not be working</p> <p>18 in the 2006 season?</p> <p>19 A Before that, I don't remember having 3:39:53PM</p> <p>20 any conversation with anyone about that.</p> <p>21 Q And how at that meeting did you learn 3:39:57PM</p> <p>22 that the plaintiffs were let go?</p> <p>23 A He called them in first, when 3:40:03PM</p> <p>24 everybody was standing outside. I don't know</p> <p>25 what transpired inside. Then they had left. He</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 88</p> <p>1 PAUL CAROLLO</p> <p>2 ordered a water taxi for them. I don't know if</p> <p>3 it was set up before or he called when, I guess,</p> <p>4 he met with the four of them, five of them.</p> <p>5 Four of them.</p> <p>6 Q And did he meet with them all 3:40:30PM</p> <p>7 together, as far as you know?</p> <p>8 A I'm not sure, because the majority of 3:40:41PM</p> <p>9 us were outside. We had it -- that was the one</p> <p>10 that was in the boat house -- boat house? I</p> <p>11 think it was the boat house. I'm trying to</p> <p>12 think what building it was. I think it was</p> <p>13 that. So everybody was outside, and he was kind</p> <p>14 of like form a line. Because I wasn't paying</p> <p>15 that much attention to exactly what happened. I</p> <p>16 assume he had them in the front of the line.</p> <p>17 Were they all altogether are you asking me? I</p> <p>18 don't know because we were all outside and there</p> <p>19 was a line that went inside.</p> <p>20 Q As best you can remember, were people 3:41:29PM</p> <p>21 going in one by one or more than one person at</p> <p>22 once?</p> <p>23 A It wasn't everybody. Was it two at a 3:41:38PM</p> <p>24 time? One by one? That, I'm not certain.</p> <p>25 Q Were you in a line with the plaintiffs 3:41:43PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 89</p> <p>1 PAUL CAROLLO</p> <p>2 at that time, with any of the plaintiffs?</p> <p>3 MR. NOVIKOFF: Objection to the form. 3:41:51PM</p> <p>4 A No. They were probably ahead because 3:41:53PM</p> <p>5 we were standing outside.</p> <p>6 Q Was everybody standing in line with 3:41:57PM</p> <p>7 the plaintiffs at the head of the line at some</p> <p>8 point?</p> <p>9 MR. NOVIKOFF: Objection to the form. 3:42:03PM</p> <p>10 A It was grouped obviously outside. Was 3:42:19PM</p> <p>11 there one line that went up inside? I think</p> <p>12 there was only like a step or something. I</p> <p>13 can't totally recall how that exactly went down.</p> <p>14 Q Do you recall whether anyone told the 3:42:31PM</p> <p>15 people outside to line up?</p> <p>16 A I think George set the line up. 3:42:37PM</p> <p>17 Q And do you recall whether anyone other 3:42:39PM</p> <p>18 than the four plaintiff who were present</p> <p>19 actually did line up at that time?</p> <p>20 A I don't know. I'm not sure about 3:42:56PM</p> <p>21 that.</p> <p>22 Q Did you at any point join the line 3:43:04PM</p> <p>23 outside before that meeting?</p> <p>24 MR. NOVIKOFF: Objection to form. 3:43:12PM</p> <p>25 A Were there any other officers on the 3:43:26PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 90	Page 91
<p>1 PAUL CAROLLO</p> <p>2 line? I'm not sure.</p> <p>3 Q And as far as you remember, the first 3:43:30PM</p> <p>4 people to go in were the four plaintiffs, either</p> <p>5 individually or --</p> <p>6 A I don't remember exactly what went 3:43:37PM</p> <p>7 before. I certainly remember after, when I</p> <p>8 realized what had happened.</p> <p>9 Q How did you realize what had happened? 3:43:42PM</p> <p>10 A Because then it was -- they had come 3:43:44PM</p> <p>11 out. I guess the rumors spread through</p> <p>12 everybody.</p> <p>13 Q Did you see them come out? 3:43:51PM</p> <p>14 A Yes. 3:43:53PM</p> <p>15 Q Did they come out four together? 3:43:53PM</p> <p>16 A Let me rephrase that. I don't 3:43:57PM</p> <p>17 remember if they came out the door together. I</p> <p>18 remember the four of them walking off to the</p> <p>19 water taxi.</p> <p>20 Q Did you say anything to them? 3:44:06PM</p> <p>21 A Did I, no. 3:44:07PM</p> <p>22 Q Did anybody say anything to them that 3:44:08PM</p> <p>23 you recall at that time?</p> <p>24 MR. NOVIKOFF: Objection to the form. 3:44:11PM</p> <p>25 A Did anyone say anything to them? 3:44:19PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q As they were leaving. 3:44:22PM</p> <p>3 MR. NOVIKOFF: Objection to form. 3:44:25PM</p> <p>4 A I don't remember if anybody said 3:44:27PM</p> <p>5 anything to them.</p> <p>6 Q Do you remember if anyone said 3:44:31PM</p> <p>7 anything about them?</p> <p>8 A Yeah, a lot of people thought it was 3:44:34PM</p> <p>9 funny.</p> <p>10 Q Thought that what was funny? 3:44:39PM</p> <p>11 A Them getting fired. 3:44:40PM</p> <p>12 Q Other than the fact that you saw them 3:44:44PM</p> <p>13 walking away from the station, did you have any</p> <p>14 other reason to believe that they had been</p> <p>15 fired?</p> <p>16 MR. NOVIKOFF: Objection. 3:44:55PM</p> <p>17 A Rephrase that. 3:45:02PM</p> <p>18 Q What was the basis for your believing 3:45:04PM</p> <p>19 that they had been fired?</p> <p>20 A People were talking about it. 3:45:08PM</p> <p>21 Q Do you remember who was talking about 3:45:13PM</p> <p>22 it?</p> <p>23 A Not specifically. Everybody. 3:45:14PM</p> <p>24 Q Do you remember any of the other 3:45:16PM</p> <p>25 people who were there as part of that group?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 92	Page 93
<p>1 PAUL CAROLLO</p> <p>2 A Everybody. I mean the whole 3:45:20PM</p> <p>3 department was there. The department was there,</p> <p>4 you know. Every specific person, you know. I</p> <p>5 would say certainly three-quarters of them were</p> <p>6 there.</p> <p>7 Q And do you recall anything that was 3:45:36PM</p> <p>8 said about them as they were leaving?</p> <p>9 A Specifics, no. There was a lot of 3:45:46PM</p> <p>10 animosity and a lot of people thought it was</p> <p>11 funny. Not animosity, might not be the totally</p> <p>12 right word. There were a lot of things people</p> <p>13 didn't like about them.</p> <p>14 MR. NOVIKOFF: Can you just read back 3:46:01PM</p> <p>15 that last sentence.</p> <p>16 (Whereupon, the referred to portion 3:46:19PM</p> <p>17 was read back by the court reporter:</p> <p>18 Specifics, no. There was a lot of animosity</p> <p>19 and a lot of people thought it was funny.</p> <p>20 Not animosity, might not be the totally</p> <p>21 right word. There were a lot of things</p> <p>22 people didn't like about them.)</p> <p>23 BY MR. GRAFF: 3:46:19PM</p> <p>24 Q Did you think it was funny? 3:46:20PM</p> <p>25 A No. 3:46:21PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q Do you remember anybody in particular 3:46:22PM</p> <p>3 that did believe it was funny?</p> <p>4 A I couldn't say particular people. 3:46:33PM</p> <p>5 Probably more than half.</p> <p>6 Q I know you said animosity wasn't the 3:46:35PM</p> <p>7 right word. There was a lot of things people</p> <p>8 didn't like. What are you referring to by that?</p> <p>9 A There was always division -- like any 3:46:53PM</p> <p>10 job, there's divisions everywhere, whether</p> <p>11 anyone liked the way anybody worked or didn't</p> <p>12 work, you know.</p> <p>13 Q Do you remember anything in particular 3:47:17PM</p> <p>14 that anyone communicated to you about Frank</p> <p>15 Fiorillo?</p> <p>16 A The thing, I guess, about Frank, 3:47:29PM</p> <p>17 people thought that he was more gung-ho.</p> <p>18 Q What do you mean by that? 3:47:34PM</p> <p>19 A He wrote a lot of tickets. 3:47:36PM</p> <p>20 Q Was there something wrong with his 3:47:39PM</p> <p>21 writing tickets?</p> <p>22 MR. NOVIKOFF: Objection. 3:47:43PM</p> <p>23 A No. 3:47:45PM</p> <p>24 MR. NOVIKOFF: Is your question does 3:47:46PM</p> <p>25 he think there's something wrong or did he</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 94	Page 95
<p>1 PAUL CAROLLO</p> <p>2 hear other people communicate what they</p> <p>3 thought was wrong?</p> <p>4 BY MR. GRAFF: 3:47:52PM</p> <p>5 Q Did you think there was something 3:47:53PM</p> <p>6 wrong with Frank writing tickets?</p> <p>7 A No. It could've been a little more 3:47:59PM</p> <p>8 discretion now and then. But I wouldn't say</p> <p>9 there was anything illegal, if that's the</p> <p>10 question.</p> <p>11 Q Was it part of Frank Fiorillo's job to 3:48:07PM</p> <p>12 write tickets?</p> <p>13 A Yes. 3:48:11PM</p> <p>14 Q Do you recall any specific person who 3:48:14PM</p> <p>15 communicated to you that they thought there was</p> <p>16 something wrong with Frank writing tickets?</p> <p>17 MR. NOVIKOFF: Objection to the form 3:48:24PM</p> <p>18 of the question.</p> <p>19 A Well, I think it's, you know, Frank 3:48:26PM</p> <p>20 probably wrote half the tickets in the</p> <p>21 department.</p> <p>22 (Whereupon, Judge Boyle called into 3:48:34PM</p> <p>23 the deposition for a ruling.)</p> <p>24 JUDGE BOYLE: Who is on the line? 3:48:34PM</p> <p>25 MR. GRAFF: This is Ari Graff from the 3:49:31PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 law firm of Thompson Wigdor and Gilly for</p> <p>3 the plaintiffs.</p> <p>4 MR. NOVIKOFF: On behalf of all the 3:49:37PM</p> <p>5 village defendants, except Mr. Hesse, Ken</p> <p>6 Novikoff, Rivkin Radler, LLP.</p> <p>7 MR. CONNOLLY: On behalf of defendant 3:49:44PM</p> <p>8 Hesse, Kevin W. Connolly of Marks O'Neil.</p> <p>9 JUDGE BOYLE: And is the witness 3:49:50PM</p> <p>10 present?</p> <p>11 MR. GRAFF: The witness is present, 3:49:52PM</p> <p>12 your Honor.</p> <p>13 JUDGE BOYLE: Could you identify 3:49:55PM</p> <p>14 yourself for the record, please?</p> <p>15 THE WITNESS: Paul Carollo. 3:49:57PM</p> <p>16 JUDGE BOYLE: I'm having trouble 3:50:01PM</p> <p>17 hearing you.</p> <p>18 THE WITNESS: Paul Carollo. 3:50:06PM</p> <p>19 JUDGE BOYLE: Mr. Graff, do you have 3:50:10PM</p> <p>20 your court reporter there?</p> <p>21 MR. GRAFF: Yes. We do. 3:50:21PM</p> <p>22 JUDGE BOYLE: We're also transcribing 3:50:27PM</p> <p>23 it on this end. Would you like to be heard,</p> <p>24 Mr. Graff?</p> <p>25 MR. GRAFF: Yes, thank you, your 3:50:32PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 96	Page 97
<p>1 PAUL CAROLLO</p> <p>2 Honor. There have been a couple of areas in</p> <p>3 questioning that have come up that</p> <p>4 Mr. Carollo has indicated that he's not</p> <p>5 comfortable and not willing to answer</p> <p>6 without counsel present, specifically the</p> <p>7 events surrounding the ending of his</p> <p>8 employment at Ocean Beach and other cases in</p> <p>9 which he has given sworn testimony. I've</p> <p>10 asked Mr. Carollo to answer the questions,</p> <p>11 and on the basis of not having counsel</p> <p>12 present, he's declined to answer. I was</p> <p>13 hoping that we could get some guidance on</p> <p>14 that from the court.</p> <p>15 JUDGE BOYLE: I have no idea what 3:51:28PM</p> <p>16 you're referring to. Do you want to have</p> <p>17 the court reporter read back a sampling?</p> <p>18 MR. GRAFF: It would take a bit of 3:51:41PM</p> <p>19 time to find it. I could be more specific.</p> <p>20 My understanding is that Mr. Carollo was one</p> <p>21 of the Ocean Beach police officers who was</p> <p>22 indicted at the same time as George Hesse</p> <p>23 and that precipitated the end of his</p> <p>24 employment. The questions related to the</p> <p>25 circumstances of his indictment and his</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 involvement in Mr. Hesse's criminal trial</p> <p>3 and how that related to his no longer</p> <p>4 continuing to work at Ocean Beach. I don't</p> <p>5 know if Mr. Carollo wanted to add anything</p> <p>6 to that, if that's also his understanding.</p> <p>7 MR. NOVIKOFF: Your Honor, this is 3:52:20PM</p> <p>8 Mr. Novikoff. I do not represent</p> <p>9 Mr. Carollo.</p> <p>10 Before Mr. Carollo speaks and, I 3:52:27PM</p> <p>11 guess, advises the Court why he has issues</p> <p>12 with that question, I was not going to</p> <p>13 object, obviously on the grounds of</p> <p>14 relevancy, because I can't. But now since</p> <p>15 Your Honor is on the phone. The fact that</p> <p>16 the criminal trial is over, the defendants</p> <p>17 who went in front of a jury were found not</p> <p>18 guilty, leads me to a position that whatever</p> <p>19 relevancy there may have been to this issue,</p> <p>20 to this lawsuit, there is none anymore. But</p> <p>21 like I said, I understand I can't object to</p> <p>22 any of these questions on the basis of</p> <p>23 relevancy.</p> <p>24 JUDGE BOYLE: Mr. Carollo was tried 3:53:02PM</p> <p>25 with Mr. Hesse and was similarly acquitted;</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 98	Page 99
<p>1 PAUL CAROLLO</p> <p>2 is that my understanding?</p> <p>3 MR. NOVIKOFF: Mr. Carollo? 3:53:08PM</p> <p>4 THE WITNESS: No. 3:53:09PM</p> <p>5 JUDGE BOYLE: Was he convicted? 3:53:10PM</p> <p>6 MR. NOVIKOFF: I believe he pled, but 3:53:11PM</p> <p>7 I'll let Mr. Carollo speak.</p> <p>8 JUDGE BOYLE: I didn't hear what you 3:53:16PM</p> <p>9 said.</p> <p>10 MR. NOVIKOFF: I believe he pled, but 3:53:27PM</p> <p>11 I'll let Mr. Carollo speak.</p> <p>12 JUDGE BOYLE: Mr. Carollo, would you 3:53:27PM</p> <p>13 like to be heard?</p> <p>14 THE WITNESS: I was subpoenaed to a 3:53:31PM</p> <p>15 deposition. I felt as though I'm here as a</p> <p>16 representative of Ocean Beach. I was an</p> <p>17 employee at that time. I was denied</p> <p>18 counsel. I was involved in a criminal case</p> <p>19 and, without counsel, I think that those</p> <p>20 issues I don't need to get into during this</p> <p>21 deposition because they are two separate</p> <p>22 incidents.</p> <p>23 JUDGE BOYLE: All right. I have no 3:54:10PM</p> <p>24 idea what those issues are. Let me just</p> <p>25 explain to you what your rights are. You</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 have the right to refuse to answer a</p> <p>3 question in order to assert a matter of</p> <p>4 privilege. A matter of privilege would</p> <p>5 include the privilege against</p> <p>6 self-incrimination.</p> <p>7 Have you been sentenced yet? 3:54:31PM</p> <p>8 THE WITNESS: I did not take a plea. 3:54:36PM</p> <p>9 JUDGE BOYLE: You took a plea -- 3:54:39PM</p> <p>10 THE WITNESS: I didn't take a plea. 3:54:42PM</p> <p>11 The case was dismissed.</p> <p>12 JUDGE BOYLE: You didn't take a plea? 3:54:45PM</p> <p>13 MR. NOVIKOFF: Then I stand corrected, 3:54:46PM</p> <p>14 your Honor. I apologize. I was under a</p> <p>15 misinterpretation then.</p> <p>16 JUDGE BOYLE: That's fine. Your case 3:54:52PM</p> <p>17 was dismissed and you testified against</p> <p>18 Mr. Hesse at trial?</p> <p>19 THE WITNESS: Yes. 3:55:00PM</p> <p>20 JUDGE BOYLE: I don't have enough 3:55:05PM</p> <p>21 information before me to know whether or not</p> <p>22 you have any kind of a self-incrimination</p> <p>23 privilege with regard to the particular</p> <p>24 questions. But privilege is the only basis</p> <p>25 on which you could refuse to answer</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 100	Page 101
<p>1 PAUL CAROLLO</p> <p>2 questions that Mr. Graff puts to you,</p> <p>3 whether you have an attorney or not. So in</p> <p>4 the event that you feel that there is a</p> <p>5 legitimate privilege that you wish to</p> <p>6 assert, and it would appear to me that the</p> <p>7 only relevant one at this point that I can</p> <p>8 imagine would be the privilege against</p> <p>9 self-incrimination, you can plead that and</p> <p>10 then Mr. Graff can make a motion to me on</p> <p>11 notice to you; and you'll be brought into</p> <p>12 court, and I'll make a decision whether or</p> <p>13 not you have legitimately invoked your Fifth</p> <p>14 Amendment privilege or not. Attorney-client</p> <p>15 privilege is another privilege. I don't</p> <p>16 know.</p> <p>17 Mr. Graff, you don't give me any help 3:56:09PM</p> <p>18 as far as what your questions are. So it's</p> <p>19 virtually impossible for me to make any</p> <p>20 determinations as far as the legitimacy or</p> <p>21 illegitimacies of any refusal to answer</p> <p>22 here.</p> <p>23 MR. GRAFF: I understand, your Honor. 3:56:25PM</p> <p>24 The scope of questions that Mr. Carollo</p> <p>25 indicated that he wouldn't be comfortable</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 answering relate to, as I understand it,</p> <p>3 anything that happened in connection with</p> <p>4 his employment at Ocean Beach beginning in</p> <p>5 the early part of 2007. We didn't get as</p> <p>6 far as specific questions that were objected</p> <p>7 to on precise questions. It was a broader</p> <p>8 category.</p> <p>9 JUDGE BOYLE: Okay. Thank you. I 3:56:54PM</p> <p>10 didn't realize that.</p> <p>11 Mr. Carollo, you can only assert a 3:56:58PM</p> <p>12 privilege in connection with a particular</p> <p>13 question.</p> <p>14 THE WITNESS: Your Honor, let me ask 3:57:08PM</p> <p>15 you this: What do I have legally that I'm</p> <p>16 here as an employee or I was an employee at</p> <p>17 the time of the incident that I'm here to be</p> <p>18 deposed on and I'm refused counsel from the</p> <p>19 village? I mean, it's a lot of money to</p> <p>20 hire my own attorney to come here.</p> <p>21 JUDGE BOYLE: Let me answer your 3:57:38PM</p> <p>22 questions. You're under an obligation to</p> <p>23 answer the questions that are posed to you</p> <p>24 by Mr. Graff whether you have a lawyer or</p> <p>25 not, unless as I stated before there is a</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 102	Page 103
<p>1 PAUL CAROLLO</p> <p>2 valid assertion of a privilege. I assume</p> <p>3 your criminal proceeding has been dismissed,</p> <p>4 and I'm given no reason to believe by you</p> <p>5 that there's any privilege that's applicable</p> <p>6 here. You can't simply refuse to answer all</p> <p>7 categories of questions, nor can you even</p> <p>8 refuse to answer a particular question</p> <p>9 unless for the reasons that I stated. So I</p> <p>10 would suggest you make this as easy as</p> <p>11 possible. Otherwise, you're just going to</p> <p>12 be before me ultimately to resolve any</p> <p>13 issues and you'll have to submit to multiple</p> <p>14 depositions.</p> <p>15 Do you understand? 3:58:33PM</p> <p>16 THE WITNESS: Yes. 3:58:34PM</p> <p>17 JUDGE BOYLE: Any questions you want 3:58:36PM</p> <p>18 to ask me?</p> <p>19 THE WITNESS: No. I think I asked my 3:58:39PM</p> <p>20 questions.</p> <p>21 JUDGE BOYLE: Anything further on 3:58:45PM</p> <p>22 either side?</p> <p>23 MR. NOVIKOFF: No, your Honor. 3:58:48PM</p> <p>24 MR. GRAFF: No. 3:58:51PM</p> <p>25 JUDGE BOYLE: Do the best you can. 3:58:52PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 (Whereupon, Judge Boyle disconnected 8:01:38PM</p> <p>3 from the deposition.)</p> <p>4 BY MR. GRAFF: 8:01:42PM</p> <p>5 Q Mr. Carollo, did anyone communicate to 4:01:53PM</p> <p>6 you that they thought it was a problem that</p> <p>7 Frank was writing, as you estimated, half the</p> <p>8 tickets in the department?</p> <p>9 A Repeat that. 4:02:15PM</p> <p>10 Q Did anyone tell you that they thought 4:02:16PM</p> <p>11 it was a problem that Frank was writing those</p> <p>12 tickets?</p> <p>13 MR. NOVIKOFF: Summonses? 4:02:22PM</p> <p>14 MR. GRAFF: Summonses. Thank you. 4:02:24PM</p> <p>15 A I think there were times in the middle 4:02:27PM</p> <p>16 of the night when we'd have a lot of arrests</p> <p>17 going on and Frank was strictly out writing</p> <p>18 summonses and calling in for -- to get a blotter</p> <p>19 number and a log number. He'd be tying up the</p> <p>20 radio a lot. The dispatcher would be doing</p> <p>21 something. It would frustrate them.</p> <p>22 Q And was that, as you understood it, a 4:03:06PM</p> <p>23 matter of inconvenience of having to call in the</p> <p>24 blotter number or was it impeding the arrests</p> <p>25 you indicated were going on?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 104	Page 105
<p>1 PAUL CAROLLO</p> <p>2 MR. NOVIKOFF: Objection. 4:03:19PM</p> <p>3 A Reword that. 4:03:19PM</p> <p>4 Q What was the nature of the objection 4:03:21PM</p> <p>5 to Frank calling in for blotter numbers in</p> <p>6 connection with those summonses?</p> <p>7 A Sometimes the station would be filled 4:03:35PM</p> <p>8 with drunks, you know, and fighting and whatnot.</p> <p>9 And, you know, I don't know if I'd use the word</p> <p>10 inconvenienced, but there would be things going</p> <p>11 on that the department took as a little more</p> <p>12 important at the time than a summons.</p> <p>13 Q And did the summons that Frank was 4:03:58PM</p> <p>14 writing impede the enforcement of other laws by</p> <p>15 other officers? Did it prevent those officers</p> <p>16 from enforcing the law at that time?</p> <p>17 MR. NOVIKOFF: Objection. 4:04:12PM</p> <p>18 A I don't understand that question. 4:04:17PM</p> <p>19 Q Did it prevent anyone from being able 4:04:18PM</p> <p>20 to carry out their own law enforcement duties</p> <p>21 when Frank was writing summonses?</p> <p>22 MR. NOVIKOFF: Objection. 4:04:26PM</p> <p>23 A If you had a station filled with guys 4:04:27PM</p> <p>24 that, you know, might be -- that are drunk and</p> <p>25 disorderly, you're taking the time from the</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 dispatcher, it could.</p> <p>3 Q And do you recall that that actually 4:04:39PM</p> <p>4 happened, the scenario that you're describing?</p> <p>5 MR. NOVIKOFF: Objection. 4:04:44PM</p> <p>6 A Yeah. 4:04:45PM</p> <p>7 Q And was it -- did you ever believe 4:04:50PM</p> <p>8 that there were law enforcement activities that</p> <p>9 were being impeded because of Frank's summonses?</p> <p>10 MR. NOVIKOFF: Objection. I thought 4:05:04PM</p> <p>11 he just answered yes.</p> <p>12 A Ask me the question again. 4:05:11PM</p> <p>13 Q Did you personally experience events 4:05:13PM</p> <p>14 that led you to believe that Frank's summons</p> <p>15 writing were preventing other law enforcement</p> <p>16 activities in Ocean Beach?</p> <p>17 A I don't know if I would use the word 4:05:25PM</p> <p>18 preventing. You know, did anything actually end</p> <p>19 up arising out of it? No. Was there some</p> <p>20 potential there? I guess, perhaps.</p> <p>21 Q Did it ever come to pass that you're 4:05:43PM</p> <p>22 aware of that law enforcement activities were</p> <p>23 prevented from happening because of Frank's</p> <p>24 summonses?</p> <p>25 A No. 4:05:53PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 106</p> <p>1 PAUL CAROLLO</p> <p>2 Q Do you recall whether any particular 4:06:00PM</p> <p>3 individuals at the Ocean Beach Police Department</p> <p>4 had that objection to Frank's law enforcement</p> <p>5 activities?</p> <p>6 MR. NOVIKOFF: Objection to the form. 4:06:11PM</p> <p>7 A Say it again. 4:06:16PM</p> <p>8 Q Do you recall whether any specific 4:06:18PM</p> <p>9 people, whether there were any individuals who</p> <p>10 particularly had a problem with Frank's summons</p> <p>11 writing?</p> <p>12 A A couple of specific times I'm 4:06:27PM</p> <p>13 referring to I can remember George being pissed</p> <p>14 off about it. As I said, you know, Frank wrote</p> <p>15 half the summonses in the department. So he was</p> <p>16 certainly way ahead of everybody else's -- let</p> <p>17 me reword it. Ask me the question again.</p> <p>18 MR. GRAFF: Could we read it back. 4:07:18PM</p> <p>19 (Whereupon, the requested portion was 4:07:20PM</p> <p>20 read back by the court reporter: Do you</p> <p>21 recall whether any specific people, whether</p> <p>22 there were any individuals who particularly</p> <p>23 had a problem with Frank's summons writing?)</p> <p>24 MR. NOVIKOFF: Now that it's read 4:07:35PM</p> <p>25 back, I'll object.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 107</p> <p>1 PAUL CAROLLO</p> <p>2 A I don't remember specific people. I 4:07:42PM</p> <p>3 know there were a few people.</p> <p>4 Q You had mentioned that you remember 4:07:46PM</p> <p>5 George was upset about it.</p> <p>6 A Yeah. 4:07:52PM</p> <p>7 Q How did you -- 4:07:52PM</p> <p>8 A I remember being in the station, I 4:07:54PM</p> <p>9 would say not more than two times, of, you know,</p> <p>10 in the middle of the night, 12:00. I'm using</p> <p>11 that time. Maybe I shouldn't use any time at</p> <p>12 all. In the middle of the night, where it was</p> <p>13 really busy in the station, and he was calling</p> <p>14 in for a blotter.</p> <p>15 Q Do you remember what the specific 4:08:19PM</p> <p>16 grounds for the summons that Frank had issued at</p> <p>17 those specific occasions were?</p> <p>18 A No. 4:08:29PM</p> <p>19 MR. NOVIKOFF: Objection. 4:08:30PM</p> <p>20 BY MR. GRAFF: 4:08:30PM</p> <p>21 Q And what was the basis for you 4:08:31PM</p> <p>22 concluding that George Hesse was upset or angry</p> <p>23 about that?</p> <p>24 MR. NOVIKOFF: He said "pissed off" to 4:08:39PM</p> <p>25 begin with and then he said "upset."</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 108</p> <p>1 PAUL CAROLLO</p> <p>2 A Yeah, you know, just that. 4:08:45PM</p> <p>3 Q And how did he indicate to you -- what 4:08:46PM</p> <p>4 led you to perceive that?</p> <p>5 A I don't know specifically me, just in 4:08:52PM</p> <p>6 general. What the hell. You know, I can't</p> <p>7 remember exactly. You kind of know when</p> <p>8 someone's pissed off.</p> <p>9 Q Other than Frank writing summonses, 4:08:59PM</p> <p>10 can you think of any other issues that upset</p> <p>11 people in connection with Frank Fiorillo's work</p> <p>12 at Ocean Beach?</p> <p>13 MR. NOVIKOFF: Objection. 4:09:16PM</p> <p>14 A No. 4:09:17PM</p> <p>15 Q And other than George Hesse, can you 4:09:17PM</p> <p>16 think of anyone else who had a problem with</p> <p>17 Frank's summons writing or --</p> <p>18 A Yeah, I don't know that people -- I 4:09:25PM</p> <p>19 wouldn't say that there like was anyone that --</p> <p>20 I don't know about a problem with it.</p> <p>21 Obviously, you know, if someone writes</p> <p>22 50 percent of the summonses, everybody's like,</p> <p>23 you know, humorous.</p> <p>24 Q I'm not sure if I understood. 4:09:44PM</p> <p>25 A I'm not sure people went around saying 4:09:47PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 109</p> <p>1 PAUL CAROLLO</p> <p>2 I hate Frank Fiorillo because he writes so many</p> <p>3 summonses or they just found it humorous that he</p> <p>4 wrote -- you know, made fun of him about it or</p> <p>5 whatever.</p> <p>6 Q Can you recall anyone in particular 4:10:14PM</p> <p>7 who made fun of him?</p> <p>8 A It was more than one person. I can't 4:10:18PM</p> <p>9 say.</p> <p>10 Q Do you recall George Hesse making fun 4:10:22PM</p> <p>11 of Frank about it?</p> <p>12 A As I indicated about being pissed off. 4:10:29PM</p> <p>13 I don't know if I ever specifically saw him</p> <p>14 making fun of him about it. I'm sure at one</p> <p>15 point he probably made a little bit of fun of</p> <p>16 him about it.</p> <p>17 Q And what about Joe Nofi? What were 4:10:41PM</p> <p>18 the grounds that you understood for people to</p> <p>19 have animosity towards him or think it was funny</p> <p>20 that he had been terminated?</p> <p>21 MR. NOVIKOFF: I'm going to object 4:10:57PM</p> <p>22 only to the form of the question only to the</p> <p>23 extent that I think this witness said that</p> <p>24 animosity is probably not the best word.</p> <p>25 MR. GRAFF: I'm not trying to nail him 4:11:05PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 110</p> <p>1 PAUL CAROLLO</p> <p>2 to the word.</p> <p>3 A Ask me the question again now about 4:11:16PM</p> <p>4 Nofi.</p> <p>5 Q What were the reasons that you 4:11:19PM</p> <p>6 believed that people thought it was humorous or</p> <p>7 that they were happy that Joe Nofi was</p> <p>8 terminated?</p> <p>9 MR. NOVIKOFF: Again, we have the 4:11:29PM</p> <p>10 agreement between terminated and not</p> <p>11 rehired, right?</p> <p>12 MR. GRAFF: Right. 4:11:34PM</p> <p>13 MR. CONNOLLY: Objection. 4:11:35PM</p> <p>14 MR. GRAFF: And just for Mr. Carollo's 4:11:36PM</p> <p>15 benefit. It's an issue in the lawsuit.</p> <p>16 Both sides have different ways that we like</p> <p>17 to, for our own clients, characterize them</p> <p>18 as no longer working at Ocean Beach,</p> <p>19 termination, laid off, not rehired.</p> <p>20 MR. NOVIKOFF: For the purposes of the 4:11:52PM</p> <p>21 question, it all means the same thing.</p> <p>22 THE WITNESS: Okay. 4:11:56PM</p> <p>23 MR. GRAFF: Does that make sense? 4:11:59PM</p> <p>24 THE WITNESS: Yes. 4:12:00PM</p> <p>25 A It doesn't matter how I word it -- my 4:12:01PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 111</p> <p>1 PAUL CAROLLO</p> <p>2 feeling of it has nothing to do with how you ask</p> <p>3 the question?</p> <p>4 Q Or you shouldn't read anything into 4:12:07PM</p> <p>5 the words I use. I'm referring to the same</p> <p>6 thing either way.</p> <p>7 A Okay. Nofi. I don't know. I think 4:12:14PM</p> <p>8 he's the type of person that, just meeting him,</p> <p>9 you know a lot of people are going to make fun</p> <p>10 of him. Just the way he speaks and whatnot.</p> <p>11 Q What about the way he speaks? 4:12:33PM</p> <p>12 A I don't know how to describe it 4:12:37PM</p> <p>13 exactly. I wouldn't word it like, you know, an</p> <p>14 Italian from Brooklyn or something to that</p> <p>15 effect but something in that realm.</p> <p>16 Q Something to do with his accent? 4:12:57PM</p> <p>17 A I don't know if it's an accent. His 4:12:59PM</p> <p>18 mannerisms, his whole -- you know, the way he</p> <p>19 speaks and, you know...</p> <p>20 Q In your experience, did you ever 4:13:17PM</p> <p>21 observe Joe Nofi using profanity towards</p> <p>22 civilians in the course of enforcing or carrying</p> <p>23 out his law enforcement duties?</p> <p>24 MR. NOVIKOFF: Objection to 4:13:28PM</p> <p>25 foundation.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 112</p> <p>1 PAUL CAROLLO</p> <p>2 A I don't remember that, no. 4:13:32PM</p> <p>3 Q Do you ever remember hearing or being 4:13:35PM</p> <p>4 told my somebody else that they had heard that</p> <p>5 Joe Nofi had referred to a civilian as a</p> <p>6 motherfucker?</p> <p>7 MR. NOVIKOFF: Objection. No 4:13:45PM</p> <p>8 foundation.</p> <p>9 A No. 4:13:48PM</p> <p>10 Q Would you agree with the following 4:13:58PM</p> <p>11 statement; that is, that it was Joe Nofi's</p> <p>12 customary approach to law enforcement to refer</p> <p>13 to people as motherfuckers?</p> <p>14 MR. NOVIKOFF: Note my objection. 4:14:11PM</p> <p>15 BY MR. GRAFF: 4:14:13PM</p> <p>16 Q Did you observe that to be his 4:14:14PM</p> <p>17 customary manner with the public?</p> <p>18 MR. NOVIKOFF: Note my objection. 4:14:21PM</p> <p>19 A Ask that again. 4:14:23PM</p> <p>20 MR. GRAFF: Do you believe that Joe 4:14:25PM</p> <p>21 Nofi or do you have any reason to believe</p> <p>22 that Joe Nofi's typical mannerism in dealing</p> <p>23 with members of the public in the course of</p> <p>24 his police work was to call members of the</p> <p>25 public motherfuckers.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 113</p> <p>1 PAUL CAROLLO</p> <p>2 MR. NOVIKOFF: Note my objection. 4:14:39PM</p> <p>3 And I just want to go back and 4:14:40PM</p> <p>4 confirm. This witness didn't notify</p> <p>5 Mr. Nofi as someone regularly on his shift.</p> <p>6 That's the basis of my objection. He was</p> <p>7 never actually assigned to the same tour.</p> <p>8 MR. GRAFF: Thank you. Let me ask 4:14:55PM</p> <p>9 that question first.</p> <p>10 BY MR. GRAFF: 4:14:58PM</p> <p>11 Q Did you ever work on shifts with Joe 4:14:58PM</p> <p>12 Nofi?</p> <p>13 A Yes. 4:15:00PM</p> <p>14 Q And you never observed him call a 4:15:01PM</p> <p>15 civilian a motherfucker?</p> <p>16 MR. NOVIKOFF: Note my objection. 4:15:05PM</p> <p>17 A To them personally, face-to-face? 4:15:06PM</p> <p>18 Q Yes. 4:15:08PM</p> <p>19 A No. 4:15:09PM</p> <p>20 Q And nobody ever told you that they had 4:15:09PM</p> <p>21 seen Joe Nofi call anyone a motherfucker?</p> <p>22 A Yeah, I don't remember anyone saying 4:15:16PM</p> <p>23 that.</p> <p>24 Q Do you know somebody at Ocean Beach 4:15:18PM</p> <p>25 named Chris Moran?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 114</p> <p>1 PAUL CAROLLO</p> <p>2 A Yes. 4:15:23PM</p> <p>3 Q Did Chris Moran ever tell you that he 4:15:24PM</p> <p>4 believed that Joe Nofi had called somebody a</p> <p>5 motherfucker; that is, a civilian a</p> <p>6 motherfucker?</p> <p>7 A I don't recall hearing that. 4:15:33PM</p> <p>8 Q Other than his manner of speech, were 4:15:35PM</p> <p>9 there any other reasons that you understood</p> <p>10 formed the basis for people thinking it was</p> <p>11 funny that he had been fired?</p> <p>12 MR. NOVIKOFF: Objection. 4:15:48PM</p> <p>13 A Ask me the question again. 4:15:56PM</p> <p>14 Q Other than his mannerism -- 4:15:57PM</p> <p>15 A Sorry. I remember the question. 4:16:03PM</p> <p>16 He has a gruff way. I don't know that 4:16:10PM</p> <p>17 I ever heard him or anyone indicate to me that</p> <p>18 he called somebody a motherfucker to their face</p> <p>19 or, you know. If that's what you're asking. He</p> <p>20 had, you know -- it was just -- I can explain</p> <p>21 one thing he did to me. He didn't do it to me,</p> <p>22 but I was a little embarrassed by it.</p> <p>23 Q Please. 4:16:41PM</p> <p>24 A He was on back of one of the GEM cars. 4:16:42PM</p> <p>25 I'm not really sure who was driving. They were</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 115</p> <p>1 PAUL CAROLLO</p> <p>2 backing up, and he was sitting on the back</p> <p>3 kicking his feet. I really only remember I was</p> <p>4 embarrassed because my sister was there. And he</p> <p>5 was, like, swinging his feet out saying, get out</p> <p>6 of the way, get out of the way. It just wasn't</p> <p>7 very professional.</p> <p>8 Q Do you remember who else was in the 4:17:03PM</p> <p>9 area at the time?</p> <p>10 A No. The reason I remember is because 4:17:06PM</p> <p>11 I remember my sister standing there, who came</p> <p>12 for the day. It was like -- but that's about</p> <p>13 it.</p> <p>14 Q Do you believe that -- based on your 4:17:18PM</p> <p>15 dealings with Joe Nofi or observations of Joe</p> <p>16 Nofi, did you ever form the belief that he was</p> <p>17 abusive to the public in his manner of speaking</p> <p>18 to them?</p> <p>19 MR. NOVIKOFF: Note my objection. 4:17:30PM</p> <p>20 A No. 4:17:31PM</p> <p>21 Q And just to close off this issue. 4:17:32PM</p> <p>22 Other than his manner of speaking and what</p> <p>23 you've already referred to, were there any other</p> <p>24 complaints that you're aware of or issues that</p> <p>25 you're aware of that would've been grounds for</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 116</p> <p>1 PAUL CAROLLO</p> <p>2 people, as you understood it, to find it funny</p> <p>3 that he was being fired?</p> <p>4 MR. NOVIKOFF: Objection. 4:17:53PM</p> <p>5 A No, that's it. 4:17:54PM</p> <p>6 Q That's it? 4:17:55PM</p> <p>7 A Yeah. 4:17:56PM</p> <p>8 Q What about Ed Carter, what were the -- 4:18:06PM</p> <p>9 what are you aware of that could've supported</p> <p>10 the animosity or happiness that he had been</p> <p>11 fired?</p> <p>12 MR. NOVIKOFF: Note my objection. 4:18:19PM</p> <p>13 A Nothing. 4:18:23PM</p> <p>14 Q What about Kevin Lamm? 4:18:28PM</p> <p>15 A Ask me a question in the sense of 4:18:38PM</p> <p>16 that.</p> <p>17 Q Sure. 4:18:41PM</p> <p>18 Why did you understand that people 4:18:43PM</p> <p>19 thought it was funny to see Kevin Lamm leaving</p> <p>20 after being fired at that April 2006 meeting?</p> <p>21 MR. NOVIKOFF: Note my objection. 4:18:52PM</p> <p>22 A When you ask the question that way, no 4:19:00PM</p> <p>23 matter where I worked in my life, people always</p> <p>24 find those things amusing, whether they have</p> <p>25 substance to them or not. That goes back to</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 117</p> <p>1 PAUL CAROLLO</p> <p>2 just whatever reason, people find other people's</p> <p>3 misery funny. In a sense of when you're talking</p> <p>4 about that thing of finding that funny, I would</p> <p>5 say that a lot of basis behind it is that</p> <p>6 mentality.</p> <p>7 Q Are you aware of any particular 4:19:34PM</p> <p>8 complaint or gripes that anyone else in the</p> <p>9 department had regarding Kevin Lamm?</p> <p>10 MR. NOVIKOFF: Objection. 4:19:41PM</p> <p>11 A Their opinions? 4:19:49PM</p> <p>12 Q To the extent that they communicated 4:19:50PM</p> <p>13 them to you, sure.</p> <p>14 A I think sometimes people were a little 4:20:06PM</p> <p>15 concerned about Kevin -- one of the things that</p> <p>16 I remember about George and Kevin battling back</p> <p>17 and forth about would be that Kevin would</p> <p>18 handcuff people for whatever and bring them back</p> <p>19 to the station. Whether -- not an arrest, a</p> <p>20 summons. Like, you know, caught you with an</p> <p>21 open container or a urinating ticket, you know,</p> <p>22 he'd handcuff someone and bring them back to the</p> <p>23 station. And they felt that was not appropriate</p> <p>24 action, to walk through the streets handcuffed</p> <p>25 for an open container or a urinating in public.</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

Page 118	Page 119
<p>1 PAUL CAROLLO</p> <p>2 Q Do you remember any particular 4:20:57PM</p> <p>3 specific individuals who communicated that that</p> <p>4 was their belief about Kevin Lamm?</p> <p>5 MR. NOVIKOFF: Objection. I don't 4:21:05PM</p> <p>6 think that last answer suggested that other</p> <p>7 people communicated that to him. I think he</p> <p>8 said directly that it was George Hesse.</p> <p>9 BY MR. GRAFF: 4:21:15PM</p> <p>10 Q Was it George Hesse specifically? 4:21:16PM</p> <p>11 A Yeah. 4:21:20PM</p> <p>12 Q Other than George Hesse, did anyone 4:21:20PM</p> <p>13 else communicate that to you, that that was</p> <p>14 their belief about Kevin Lamm?</p> <p>15 MR. NOVIKOFF: Objection to the form. 4:21:27PM</p> <p>16 A Ask the question again. 4:21:38PM</p> <p>17 Q Other than George Hesse, did anyone 4:21:40PM</p> <p>18 else complain about Kevin Lamm bringing people</p> <p>19 to the station in handcuffs?</p> <p>20 A I don't know if anyone could complain 4:21:49PM</p> <p>21 about it. I think a lot of people would agree</p> <p>22 with it.</p> <p>23 Q Do you agree with that complaint about 4:21:56PM</p> <p>24 Kevin Lamm?</p> <p>25 A I agree with the -- I agree with the 4:22:02PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 theory. I don't know that I specifically have</p> <p>3 seen Kevin -- I've seen him bring them in, and I</p> <p>4 know it was a problem. I can't say that I saw</p> <p>5 Kevin find someone urinating or an open</p> <p>6 container, handcuffed them and walked them</p> <p>7 through the street. So if I agree that</p> <p>8 shouldn't be done, yes. Can I say I</p> <p>9 specifically saw Kevin do that, no.</p> <p>10 Q And do you recall any specific 4:22:30PM</p> <p>11 instances of Kevin Lamm bringing people to the</p> <p>12 station in handcuffs that were the basis for</p> <p>13 complaints to you?</p> <p>14 MR. NOVIKOFF: Objection. He just 4:22:41PM</p> <p>15 said he never saw.</p> <p>16 MR. GRAFF: He never saw. But did 4:22:44PM</p> <p>17 anyone ever complain about a specific</p> <p>18 instance.</p> <p>19 MR. NOVIKOFF: I thought he just said 4:22:48PM</p> <p>20 George Hesse.</p> <p>21 MR. GRAFF: I'm asking if he now 4:22:50PM</p> <p>22 recalls a specific incident that was</p> <p>23 complained about.</p> <p>24 A I can only imagine at the time he was 4:23:01PM</p> <p>25 complaining about it when Kevin was there, that</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 120	Page 121
<p>1 PAUL CAROLLO</p> <p>2 that was that, but I can't say specific.</p> <p>3 Q And do you recall if Tom Snyder was at 4:23:17PM</p> <p>4 the April meeting?</p> <p>5 A I believe he wasn't. 4:23:24PM</p> <p>6 Q Did you at some point learn that Tom 4:23:27PM</p> <p>7 Snyder was terminated or let go in April 2006?</p> <p>8 A Yes. It may have even been talked 4:23:37PM</p> <p>9 about that day.</p> <p>10 Q And who did you hear about that from? 4:23:40PM</p> <p>11 A That I can't say. 4:23:46PM</p> <p>12 Q Did you hear about it from George 4:23:48PM</p> <p>13 Hesse?</p> <p>14 A That day, I don't know. I mean it was 4:23:57PM</p> <p>15 30 people. You know, the conversation was going</p> <p>16 around. Was George saying it to someone else</p> <p>17 and I overheard it or was somebody else telling</p> <p>18 me, I can't specifically say.</p> <p>19 Q After the plaintiffs left that 4:24:12PM</p> <p>20 meeting, when they were let go, did you speak</p> <p>21 with George Hesse or hear George Hesse say any</p> <p>22 words about the plaintiffs on that day?</p> <p>23 A Obviously there was conversation about 4:24:36PM</p> <p>24 it. I can't say what specific conversation was</p> <p>25 about it. Obviously George and many others</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 thought it was funny.</p> <p>3 Q At that meeting -- did any meeting 4:24:45PM</p> <p>4 take place after plaintiffs left?</p> <p>5 A Yes. 4:24:49PM</p> <p>6 Q Did George Hesse say anything at the 4:24:49PM</p> <p>7 meeting about the plaintiffs being let go?</p> <p>8 A Yeah. People were talking about it. 4:25:02PM</p> <p>9 I know you want specifics, and I don't really</p> <p>10 have specifics. It was a room, and I was not</p> <p>11 very happy about the whole situation myself, the</p> <p>12 way it went down.</p> <p>13 Q Why were you unhappy with the way -- 4:25:13PM</p> <p>14 A I don't think that's the right way to 4:25:16PM</p> <p>15 do something.</p> <p>16 Q What part of it do you think was -- 4:25:19PM</p> <p>17 A I don't feel that, you know, it was 4:25:22PM</p> <p>18 something that should've been made a mockery of.</p> <p>19 Q And do you believe that George Hesse 4:25:50PM</p> <p>20 was making a mockery of it after the plaintiffs</p> <p>21 were fired?</p> <p>22 MR. NOVIKOFF: Objection. 4:25:59PM</p> <p>23 MR. CONNOLLY: Objection. 4:25:59PM</p> <p>24 A I don't know about after. I just 4:26:03PM</p> <p>25 wasn't comfortable with the whole thing.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 122</p> <p>1 PAUL CAROLLO</p> <p>2 Q Okay. Do you recall George Hesse 4:26:07PM</p> <p>3 mocking the plaintiffs after they were let go at</p> <p>4 that meeting?</p> <p>5 MR. CONNOLLY: Objection. 4:26:15PM</p> <p>6 MR. NOVIKOFF: Objection. 4:26:16PM</p> <p>7 A I can't specifically say any 4:26:19PM</p> <p>8 individual. Obviously he's the one that ran the</p> <p>9 meeting and was the one that let them go. You</p> <p>10 know, so I can't -- but if you're asking me his</p> <p>11 specific statements, whatever, that I can't</p> <p>12 remember.</p> <p>13 Q Do you recall whether George Hesse in 4:26:33PM</p> <p>14 any way communicated that people should not be</p> <p>15 mocking the plaintiffs after they were let go?</p> <p>16 MR. NOVIKOFF: Objection. Foundation. 4:26:42PM</p> <p>17 Assumes facts not in evidence.</p> <p>18 A Ask the question again. 4:26:55PM</p> <p>19 Q Did George Hesse stop anyone or tell 4:26:56PM</p> <p>20 anyone to stop mocking the plaintiffs?</p> <p>21 A No. 4:27:02PM</p> <p>22 MR. NOVIKOFF: Objection. 4:27:02PM</p> <p>23 MR. CONNOLLY: Objection. 4:27:04PM</p> <p>24 BY MR. GRAFF: 4:27:04PM</p> <p>25 Q Do you recall whether anyone was 4:27:06PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 123</p> <p>1 PAUL CAROLLO</p> <p>2 cheering as the plaintiffs walked away after</p> <p>3 they'd been let go?</p> <p>4 A No. I don't remember that. 4:27:13PM</p> <p>5 Q Do you recall whether anyone cheered 4:27:18PM</p> <p>6 at the meeting about the plaintiffs being let</p> <p>7 go?</p> <p>8 A As I said, people found it humorous, 4:27:27PM</p> <p>9 and they were talking about it and laughing</p> <p>10 about it. As far as cheering, whatever, that,</p> <p>11 you know, did anybody say anything to them when</p> <p>12 they left, I don't know. I didn't hear it.</p> <p>13 Were they saying things loudly and they heard</p> <p>14 it, you know, specifics like that I can't say.</p> <p>15 Q Was there any discussion or statements 4:27:47PM</p> <p>16 by anyone at the meeting about the reason why</p> <p>17 the plaintiffs were let go?</p> <p>18 A At the meeting, no. I don't recall 4:28:05PM</p> <p>19 that. I don't remember.</p> <p>20 Q Do you recall whether anyone asked 4:28:12PM</p> <p>21 George at the meeting why the plaintiffs had</p> <p>22 been let go?</p> <p>23 A It would have had to have been in a 4:28:24PM</p> <p>24 large area. So, no. I don't recall anyone</p> <p>25 standing up and asking him that.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 124</p> <p>1 PAUL CAROLLO</p> <p>2 Q Did you at any point ask George Hesse 4:28:35PM</p> <p>3 why the plaintiffs were let go?</p> <p>4 A No. 4:28:43PM</p> <p>5 Q Did George Hesse ever indicate to you 4:28:43PM</p> <p>6 why the plaintiffs were let go?</p> <p>7 MR. NOVIKOFF: Objection to the form. 4:28:48PM</p> <p>8 A I think everybody kind of knew his 4:28:50PM</p> <p>9 feelings about each and every one of them. So I</p> <p>10 don't think that it was necessary to ask.</p> <p>11 Q Did you ever hear anyone say that the 4:29:15PM</p> <p>12 plaintiffs, any of the plaintiffs had been let</p> <p>13 go because of something to do with wearing a</p> <p>14 wire?</p> <p>15 MR. NOVIKOFF: Could you just read 4:29:30PM</p> <p>16 that question back before I know if I have</p> <p>17 to make an objection or not.</p> <p>18 (Whereupon, the requested portion was 4:29:35PM</p> <p>19 read back by the court reporter: Did you</p> <p>20 ever hear anyone say that the plaintiffs,</p> <p>21 any of the plaintiffs had been let go</p> <p>22 because of something to do with wearing a</p> <p>23 wire?)</p> <p>24 MR. NOVIKOFF: Yeah, I'm going to 4:29:49PM</p> <p>25 object to the form.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 125</p> <p>1 PAUL CAROLLO</p> <p>2 A I've heard something to that effect. 4:29:54PM</p> <p>3 I've also heard it about myself. So I don't</p> <p>4 really -- I don't know that I heard it -- if</p> <p>5 you're asking if I heard it that day or not or</p> <p>6 something else later on.</p> <p>7 Q And in substance, what did you hear 4:30:10PM</p> <p>8 about plaintiffs --</p> <p>9 A A lot of people have been accused -- 4:30:14PM</p> <p>10 MR. NOVIKOFF: Whoa. Are you done 4:30:16PM</p> <p>11 with your question?</p> <p>12 MR. GRAFF: Yes. 4:30:23PM</p> <p>13 A What's your question again? 4:30:25PM</p> <p>14 Q A lot of people had been accused. 4:30:26PM</p> <p>15 Were you going somewhere with that?</p> <p>16 A Not accused. There was, as you know, 4:30:30PM</p> <p>17 you just said it, a District Attorney's</p> <p>18 investigation going on, so nobody trusts</p> <p>19 anybody. So somebody's always looking at</p> <p>20 somebody thinking that they have a wire on.</p> <p>21 Q Did anyone ever tell you that they 4:30:45PM</p> <p>22 believed that any of the individual plaintiffs</p> <p>23 had been wearing a wire at any point during</p> <p>24 their employment at Ocean Beach?</p> <p>25 A I've heard that phrase used. I can't 4:30:56PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 126</p> <p>1 PAUL CAROLLO</p> <p>2 say specifically if it was general conversation</p> <p>3 or -- yes, I've heard that said.</p> <p>4 Q Did you ever hear George say words to 4:31:06PM</p> <p>5 that effect?</p> <p>6 MR. NOVIKOFF: Objection. 4:31:11PM</p> <p>7 A I can't say specifically I heard it 4:31:12PM</p> <p>8 out of George's mouth.</p> <p>9 Q Did you ever hear George say words to 4:31:16PM</p> <p>10 the effect that he believed that any specific</p> <p>11 individual had been wearing a wire?</p> <p>12 MR. NOVIKOFF: Objection. 4:31:27PM</p> <p>13 MR. CONNOLLY: Objection. 4:31:28PM</p> <p>14 A I think that maybe I've heard Carter's 4:31:32PM</p> <p>15 name mentioned.</p> <p>16 Q Mentioned by George Hesse? 4:31:35PM</p> <p>17 A About a wire. No, not that I can say 4:31:37PM</p> <p>18 about George Hesse. If you're trying to get me</p> <p>19 to put a name and a wire together, that rings a</p> <p>20 bell to me. But specifically where it came</p> <p>21 from, I can't say.</p> <p>22 Q Other than yourself and Ed Carter, can 4:31:51PM</p> <p>23 you recall anybody else who you heard accused of</p> <p>24 wearing a wire by anyone?</p> <p>25 A Dave Gurden. I'm not too sure about 4:32:04PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 127</p> <p>1 PAUL CAROLLO</p> <p>2 someone else. I can't say.</p> <p>3 Q Did any one ever say to you that one 4:32:33PM</p> <p>4 of the reasons that Ed Carter was let go was</p> <p>5 that he was suspected of wearing a wire?</p> <p>6 MR. NOVIKOFF: Objection. 4:32:43PM</p> <p>7 MR. CONNOLLY: Objection. 4:32:44PM</p> <p>8 A Did anyone specifically say to me 4:32:48PM</p> <p>9 why --</p> <p>10 Q That something to do with Ed Carter 4:32:51PM</p> <p>11 and a wire was one of the reasons that he was</p> <p>12 let go?</p> <p>13 MR. NOVIKOFF: Same objection. 4:32:57PM</p> <p>14 MR. CONNOLLY: Objection. 4:32:59PM</p> <p>15 A I can't say that specifically. 4:33:00PM</p> <p>16 Q Do you recall whether the reference 4:33:08PM</p> <p>17 you heard to Ed Carter wearing a wire, whether</p> <p>18 you ever heard that reference before he was</p> <p>19 fired?</p> <p>20 A I think it was after. 4:33:25PM</p> <p>21 Q As far as you know, did any Ocean 4:33:31PM</p> <p>22 Beach police officer wear a wire during your</p> <p>23 employment at Ocean Beach?</p> <p>24 A As far as I know? 4:33:39PM</p> <p>25 Q Yes. 4:33:40PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 128</p> <p>1 PAUL CAROLLO</p> <p>2 A No. 4:33:41PM</p> <p>3 Q Do you have any reason -- do you 4:33:45PM</p> <p>4 believe that any officer at Ocean Beach was</p> <p>5 wearing a wire at any point from 2006 to the</p> <p>6 present?</p> <p>7 MR. NOVIKOFF: Objection. 4:33:54PM</p> <p>8 MR. CONNOLLY: Objection. 4:33:54PM</p> <p>9 A Do I believe? There was a tape given 4:34:19PM</p> <p>10 to my criminal attorney that had -- I don't</p> <p>11 think anybody ever knew what was on it. I think</p> <p>12 a lot of it was inaudible or it never got to</p> <p>13 anything.</p> <p>14 Q Before I go on to the next questions, 4:34:42PM</p> <p>15 I just want to be clear. I don't mean to</p> <p>16 elicit -- none of my questions are aimed at</p> <p>17 anything that you said to an attorney or that an</p> <p>18 attorney said to you. I don't want to know</p> <p>19 about communications between you and an</p> <p>20 attorney. Aside from anything that --</p> <p>21 A It was difficult to answer that 4:35:02PM</p> <p>22 question.</p> <p>23 Q I understand. 4:35:04PM</p> <p>24 A I would've had to answer the question 4:35:05PM</p> <p>25 no. And you know, that's why sometimes --</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 129</p> <p>1 PAUL CAROLLO</p> <p>2 answering questions is not easy because you --</p> <p>3 that's a specific question. I had that thing</p> <p>4 all of a sudden popped in my head about the</p> <p>5 tape. So my first answer is no, I don't think</p> <p>6 anybody had. Then wait a minute, I heard a tape</p> <p>7 somewhere.</p> <p>8 Q Without getting into any discussion 4:35:28PM</p> <p>9 you had with your attorney, do you remember what</p> <p>10 you heard on the tape that you're referring to?</p> <p>11 A I never heard the tape. 4:35:34PM</p> <p>12 Q Did you ever learn from anyone what 4:35:38PM</p> <p>13 any of the things said on the tape included?</p> <p>14 MR. NOVIKOFF: Other than from his 4:35:44PM</p> <p>15 attorney.</p> <p>16 A No. Nothing came out of it. 4:35:45PM</p> <p>17 Q When did you first meet Frank 4:35:54PM</p> <p>18 Fiorillo?</p> <p>19 A My first year. 4:35:58PM</p> <p>20 Q And do you believe that Frank was a 4:36:04PM</p> <p>21 good police officer at Ocean Beach?</p> <p>22 MR. NOVIKOFF: Objection to 4:36:07PM</p> <p>23 foundation.</p> <p>24 MR. CONNOLLY: Objection. 4:36:11PM</p> <p>25 A Yes. 4:36:11PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 130	Page 131
<p>1 PAUL CAROLLO</p> <p>2 Q When did you first meet Kevin Lamm? 4:36:19PM</p> <p>3 A Same year. 4:36:22PM</p> <p>4 Q Did you work on shifts with Kevin 4:36:23PM</p> <p>5 Lamm?</p> <p>6 A Yes. 4:36:26PM</p> <p>7 Q Did you believe that Kevin Lamm was a 4:36:26PM</p> <p>8 good police officer at Ocean Beach?</p> <p>9 MR. NOVIKOFF: Objection. Foundation. 4:36:29PM</p> <p>10 A Yeah. 4:36:31PM</p> <p>11 Q When did you first meet Tom Snyder? 4:36:32PM</p> <p>12 A I don't recall. 4:36:37PM</p> <p>13 Q Did you work on shifts with Tom 4:36:40PM</p> <p>14 Snyder?</p> <p>15 A Yes. 4:36:42PM</p> <p>16 Q Did you believe Tom Snyder was a good 4:36:43PM</p> <p>17 police officer?</p> <p>18 MR. NOVIKOFF: Objection. 4:36:46PM</p> <p>19 A Well, one problem, one incident I had 4:36:50PM</p> <p>20 with him I wasn't happy with him because he</p> <p>21 wouldn't help me out with something.</p> <p>22 Q What was that incident? 4:36:57PM</p> <p>23 A I had an arrest on a domestic violence 4:36:58PM</p> <p>24 and I believe it was just he and I on the shift,</p> <p>25 and he was definitely not interested in helping</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 me out.</p> <p>3 Q When did that incident take place? 4:37:12PM</p> <p>4 A I can't remember. 4:37:23PM</p> <p>5 MR. GRAFF: And if we could note for 4:37:26PM</p> <p>6 the record, I'd like to designate, beginning</p> <p>7 at this point, the testimony as confidential</p> <p>8 under the confidentiality order.</p> <p>9 BY MR. GRAFF: 4:37:36PM</p> <p>10 Q Who was involved in that domestic 4:37:39PM</p> <p>11 violence incident?</p> <p>12 A The people? 4:37:43PM</p> <p>13 Q Yes. 4:37:44PM</p> <p>14 A I don't know. Not that I don't know, 4:37:45PM</p> <p>15 I don't remember. It was a male and female.</p> <p>16 Their names, I have absolutely no idea.</p> <p>17 Q How many -- what was the help that you 4:37:52PM</p> <p>18 wanted from Tom Snyder?</p> <p>19 A Paperwork. 4:37:57PM</p> <p>20 Q Paperwork? 4:37:57PM</p> <p>21 A Paperwork. 4:37:58PM</p> <p>22 Q Do you recall whether he gave any 4:38:00PM</p> <p>23 reason for why he wasn't going to help you with</p> <p>24 that paperwork?</p> <p>25 A Just in a bad mood. 4:38:06PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 132	Page 133
<p>1 PAUL CAROLLO - CONFIDENTIAL</p> <p>2 Q If I said the name Lisa Campbell, 4:38:07PM</p> <p>3 would it refresh your recollection as to who one</p> <p>4 of the individuals in that incident was?</p> <p>5 A Lisa Campbell? I think I know that 4:38:15PM</p> <p>6 name. But that's the one that lives there, no?</p> <p>7 The name's familiar to me, but I think Lisa</p> <p>8 Campbell is someone who lives there. So I don't</p> <p>9 believe it's the same incident.</p> <p>10 Q If at any point over the course of the 4:38:31PM</p> <p>11 day you do remember the names of those</p> <p>12 individuals, please just let me know.</p> <p>13 MR. GRAFF: And the confidentiality 4:38:39PM</p> <p>14 can end there.</p> <p>15 BY MR. GRAFF: 4:38:42PM</p> <p>16 Q Do you recall whether you ever 4:38:43PM</p> <p>17 responded to a domestic violence incident</p> <p>18 involving Lisa Campbell?</p> <p>19 A Myself, no, I don't remember. 4:38:52PM</p> <p>20 Q Other than that one incident when Tom 4:38:59PM</p> <p>21 Snyder didn't help you with the paperwork --</p> <p>22 A Not that he didn't. He was -- you 4:39:06PM</p> <p>23 know, he had no choice, really, when it came</p> <p>24 down to it. It wasn't a good scene.</p> <p>25 Q I'm not sure I'm understanding. 4:39:18PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 A He was just in a bad mood about the 4:39:20PM</p> <p>3 night. He didn't want to get involved in</p> <p>4 helping out. Obviously he had to do his job or</p> <p>5 whatever. He just made it difficult.</p> <p>6 Q And were you able to processes 4:39:28PM</p> <p>7 whatever paperwork had to be processed yourself?</p> <p>8 A I think they got finished on the next 4:39:33PM</p> <p>9 shift the next day.</p> <p>10 Q Other than that incident, did you have 4:39:37PM</p> <p>11 any other issues with Tom Snyder as a police</p> <p>12 officer?</p> <p>13 A I really didn't have much contact with 4:39:44PM</p> <p>14 him.</p> <p>15 Q What about Joe Nofi, when did you 4:39:50PM</p> <p>16 first meet him?</p> <p>17 A I can't say. 4:39:55PM</p> <p>18 Q Did you work shifts with him at Ocean 4:39:56PM</p> <p>19 Beach?</p> <p>20 A Yes. 4:40:00PM</p> <p>21 Q Did you believe he was a good police 4:40:02PM</p> <p>22 officer?</p> <p>23 A I had no reason to think that he 4:40:09PM</p> <p>24 wasn't.</p> <p>25 Q And Ed Carter, when did you first meet 4:40:24PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 134</p> <p>1 PAUL CAROLLO</p> <p>2 him?</p> <p>3 A I'm sure -- I shouldn't say I'm sure. 4:40:34PM</p> <p>4 I guess I met everyone there my first year.</p> <p>5 Q Did you work shifts with Ed Carter? 4:40:40PM</p> <p>6 A I don't really ever remember -- I 4:40:45PM</p> <p>7 don't really remember ever working with Ed side</p> <p>8 by side, so to speak. I don't think he worked a</p> <p>9 9 to 5. He worked midnights, I think.</p> <p>10 Q Based on the contact that you had with 4:40:59PM</p> <p>11 Ed Carter, did you have any reason to think he</p> <p>12 was not a good police officer?</p> <p>13 MR. NOVIKOFF: Well, he said he 4:41:05PM</p> <p>14 probably didn't have any contact with Ed.</p> <p>15 But objection to form.</p> <p>16 MR. CONNOLLY: Objection. 4:41:11PM</p> <p>17 A Yeah, I mean, you know, I liked him. 4:41:13PM</p> <p>18 He was a nice guy. Like I said, I don't think I</p> <p>19 ever really worked with him.</p> <p>20 Q Did you ever observe Ed Carter 4:41:19PM</p> <p>21 sleeping on the job?</p> <p>22 A Did I ever observe him sleeping, no. 4:41:24PM</p> <p>23 Q Did anyone ever tell you that they had 4:41:26PM</p> <p>24 observed Ed Carter sleeping on the job?</p> <p>25 A I don't know about Ed specifically. 4:41:38PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 135</p> <p>1 PAUL CAROLLO</p> <p>2 Some people would take naps or whatever.</p> <p>3 Q Can you recall any specific person who 4:41:42PM</p> <p>4 you heard or observed taking a nap on the job?</p> <p>5 A No. I try to stay out of the 4:41:53PM</p> <p>6 barracks.</p> <p>7 Q And Gary Bosetti, was he already 4:42:01PM</p> <p>8 working at Ocean Beach when you first started?</p> <p>9 A Yeah. 4:42:08PM</p> <p>10 Q Did you ever have any problems with 4:42:18PM</p> <p>11 Gary Bosetti as far as the performance of his</p> <p>12 work at Ocean Beach?</p> <p>13 A No. 4:42:24PM</p> <p>14 MR. NOVIKOFF: Objection. 4:42:24PM</p> <p>15 BY MR. GRAFF: 4:42:25PM</p> <p>16 Q And the same question with respect to 4:42:27PM</p> <p>17 Richard Bosetti.</p> <p>18 MR. NOVIKOFF: Objection. 4:42:31PM</p> <p>19 A No. 4:42:32PM</p> <p>20 MR. GRAFF: I'd ask the court reporter 4:43:14PM</p> <p>21 to please mark as Exhibit 8 a copy of a</p> <p>22 document entitled Incorporated Village of</p> <p>23 Ocean Beach Handbook bearing Bates Numbers</p> <p>24 0001 through 25.</p> <p>25 (Whereupon, a document entitled 4:43:30PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 136</p> <p>1 PAUL CAROLLO</p> <p>2 Incorporated Village of Ocean Beach handbook</p> <p>3 bearing Bates numbers 0001 through 25 was</p> <p>4 marked as Plaintiff's Exhibit 8 for</p> <p>5 identification, as of this date.)</p> <p>6 (Whereupon, a discussion was held off 4:49:24PM</p> <p>7 the record.)</p> <p>8 BY MR. GRAFF: 4:49:24PM</p> <p>9 Q Mr. Carollo, if you could take a 4:50:08PM</p> <p>10 second to look at what's been marked ads</p> <p>11 Exhibit 8. My first question is whether this is</p> <p>12 a document that you've seen before. (Handing.)</p> <p>13 A I don't think I've ever seen this. 4:50:28PM</p> <p>14 Q Have you ever heard of an Ocean Beach 4:50:30PM</p> <p>15 employee handbook?</p> <p>16 A Prior to 2006? 4:50:42PM</p> <p>17 Q Did you at some point hear about it? 4:50:53PM</p> <p>18 MR. NOVIKOFF: Did he hear about the 4:50:57PM</p> <p>19 existence of an employee handbook?</p> <p>20 MR. GRAFF: Yes. 4:51:02PM</p> <p>21 A No. 4:51:06PM</p> <p>22 Q After 2006, did you hear about the 4:51:07PM</p> <p>23 existence of an employee handbook?</p> <p>24 A I believe in 2007 -- no. They made a 4:51:16PM</p> <p>25 huge regulations book.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 137</p> <p>1 PAUL CAROLLO</p> <p>2 Q Was that a regulations book for the 4:51:27PM</p> <p>3 Ocean Beach Police Department?</p> <p>4 A Yes. 4:51:30PM</p> <p>5 Q Do you know who was responsible for 4:51:31PM</p> <p>6 making that?</p> <p>7 A Obviously George was involved in it. 4:51:42PM</p> <p>8 As a general question, I believe it was possibly</p> <p>9 when Paul Trosco was there. I could be wrong, I</p> <p>10 don't think so.</p> <p>11 Q Was that a book that was issued while 4:51:57PM</p> <p>12 you were still working as a police officer?</p> <p>13 A I went to a -- I'm going to say 2007, 4:52:21PM</p> <p>14 I could be wrong. I did go to one of our April</p> <p>15 meetings that they issued a new regulations</p> <p>16 book.</p> <p>17 Q And I think I missed a word. Some 4:52:43PM</p> <p>18 kind of meeting?</p> <p>19 A One of these April meetings. 4:52:47PM</p> <p>20 Q The PBA? 4:52:49PM</p> <p>21 A No, I don't know anything about the 4:52:51PM</p> <p>22 PBA really. April, you know, the annual</p> <p>23 meeting.</p> <p>24 Q Annual meetings, okay. If it's not a 4:52:59PM</p> <p>25 document you recognize, I'm not going to ask you</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 138</p> <p>1 PAUL CAROLLO</p> <p>2 questions about the handbook.</p> <p>3 MR. GRAFF: If I could ask the court 4:53:12PM</p> <p>4 reporter to mark as Exhibit 9 a document</p> <p>5 produced by Ocean Beach without Bates</p> <p>6 numbers.</p> <p>7 (Whereupon, a letter dated April 18, 4:53:19PM</p> <p>8 2006 was marked as Plaintiff's Exhibit 9 for</p> <p>9 identification, as of this date.)</p> <p>10 BY MR. GRAFF: 4:53:19PM</p> <p>11 Q Have you had a chance to look at this? 4:54:01PM</p> <p>12 Handing.</p> <p>13 A Yes. 4:54:04PM</p> <p>14 Q Is what's marked as Exhibit 9 4:54:04PM</p> <p>15 something you've seen before?</p> <p>16 A No, I don't remember seeing this. 4:54:13PM</p> <p>17 Q The very first -- I'm sorry, were you 4:54:15PM</p> <p>18 done with your answer?</p> <p>19 A I'm looking at the date on it, which, 4:54:20PM</p> <p>20 you know, it's a date prior -- I would think it</p> <p>21 was after I hadn't worked for a while. So</p> <p>22 April 18th, 2006. Yeah, I would've been</p> <p>23 there. I don't recall the letter.</p> <p>24 Q And why would you say that you 4:54:36PM</p> <p>25 would've thought that it was after you left --</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 139</p> <p>1 PAUL CAROLLO</p> <p>2 A Because I don't remember it. 4:54:43PM</p> <p>3 Q The document, the first line says 4:54:44PM</p> <p>4 Ocean Beach Police. The second line says</p> <p>5 "internal correspondence" up at the top as a</p> <p>6 header. Have you seen documents with those two</p> <p>7 lines as a header before?</p> <p>8 A I can't say. 4:55:07PM</p> <p>9 Q Underneath that header, there's the 4:55:13PM</p> <p>10 date April 18th, 2006. And it says to all</p> <p>11 officers from Deputy Chief Hesse. REF, LI</p> <p>12 Politics blog.</p> <p>13 Mr. Carollo, as far as you know, what 4:55:33PM</p> <p>14 was George Hesse's title in April 2006?</p> <p>15 MR. NOVIKOFF: Objection to the form. 4:55:51PM</p> <p>16 A Ask the question again. 4:55:59PM</p> <p>17 Q As far as you know, what was George 4:56:00PM</p> <p>18 Hesse's title at the police department in 2006?</p> <p>19 A His exact title? It seems as though 4:56:15PM</p> <p>20 I've seen a lot of different titles. That's why</p> <p>21 I don't know exactly how to answer the question.</p> <p>22 Q The reference line, LI Politics blog, 4:56:23PM</p> <p>23 do you know what that's referring to?</p> <p>24 MR. NOVIKOFF: Objection. 4:56:28PM</p> <p>25 MR. CONNOLLY: Objection. 4:56:31PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 140</p> <p>1 PAUL CAROLLO</p> <p>2 A It's referring to some blog. 4:56:32PM</p> <p>3 Q Are you aware of any LI Politics blog? 4:56:38PM</p> <p>4 MR. NOVIKOFF: Objection. To the 4:56:42PM</p> <p>5 extent he knows what LI Politics means.</p> <p>6 A I've heard them talk about this, yeah. 4:56:53PM</p> <p>7 Q Who have you heard talk about this 4:56:55PM</p> <p>8 blog?</p> <p>9 A Everybody. 4:56:58PM</p> <p>10 Q What was the nature -- 4:57:01PM</p> <p>11 A The blog. I don't really understand 4:57:02PM</p> <p>12 how to use them or what it's about -- not what</p> <p>13 it's about. I see everyone puts in their own</p> <p>14 thoughts or statements or whatever.</p> <p>15 Q Did you hear -- maybe I misunderstood. 4:57:15PM</p> <p>16 When you say you've heard everyone talk about</p> <p>17 it, do you mean blogs in general or LI Politics</p> <p>18 specifically?</p> <p>19 A I don't know the name. If you said 4:57:26PM</p> <p>20 what's the name, do I know the name, no. I just</p> <p>21 know the word "blog."</p> <p>22 Q And when did you -- if you can 4:57:36PM</p> <p>23 remember, when did you first hear people talking</p> <p>24 about the blog at issue?</p> <p>25 MR. NOVIKOFF: Objection. 4:57:43PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 141</p> <p>1 PAUL CAROLLO</p> <p>2 MR. CONNOLLY: Objection. 4:57:45PM</p> <p>3 MR. NOVIKOFF: I don't think he's 4:57:46PM</p> <p>4 testified as to what the blog in issue is.</p> <p>5 He's just testified to talking about blogs.</p> <p>6 Q Did you understand that people at the 4:57:54PM</p> <p>7 department were talking about blogs in general</p> <p>8 or a specific --</p> <p>9 A No, a specific blog. What was going 4:57:59PM</p> <p>10 on or whatever they were all doing.</p> <p>11 Q So a blog that included discussion of 4:58:05PM</p> <p>12 anything to do with the Ocean Beach Police</p> <p>13 Department; was that your understanding?</p> <p>14 A Yes. 4:58:16PM</p> <p>15 Q At what point in time did you first 4:58:16PM</p> <p>16 hear people start talking about a blog of that</p> <p>17 nature?</p> <p>18 A That, I don't remember. 4:58:23PM</p> <p>19 Q Is that something that was a topic of 4:58:24PM</p> <p>20 discussion that you can remember in the first</p> <p>21 year that you worked?</p> <p>22 MR. NOVIKOFF: Objection. 4:58:30PM</p> <p>23 A The first year? 4:58:30PM</p> <p>24 Q Yes. 4:58:32PM</p> <p>25 A No. 4:58:32PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

Page 142	Page 143
<p>1 PAUL CAROLLO</p> <p>2 Q And by first year, I mean the first 4:58:33PM</p> <p>3 summer season that you worked at Ocean Beach?</p> <p>4 A Yeah. No. 4:58:40PM</p> <p>5 Q Do you recall anything that people 4:58:44PM</p> <p>6 were saying about things that were discussed on</p> <p>7 the blog?</p> <p>8 MR. NOVIKOFF: Objection. 4:58:49PM</p> <p>9 A I don't remember specific things. 4:58:53PM</p> <p>10 Q Do you recall George Hesse ever 4:58:57PM</p> <p>11 telling people to stay off the blog or not post</p> <p>12 on the blog?</p> <p>13 A I think they went through all -- I 4:59:18PM</p> <p>14 think there was probably both sides of it. I</p> <p>15 guess when it first came out, maybe they were</p> <p>16 all doing it, and then realized maybe they</p> <p>17 shouldn't do it. I don't know.</p> <p>18 Q Do you know if there was a point in 4:59:33PM</p> <p>19 time?</p> <p>20 A Not to sound vague. I'm not computer 4:59:35PM</p> <p>21 savvy. I have no interest in doing this stuff.</p> <p>22 I never went on. They went on, whatever. I</p> <p>23 think George even brought it up on the computer</p> <p>24 once when I was in the station. So the</p> <p>25 specifics, truthfully, I would've thought it was</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 after our whole case. I'm thinking that it did</p> <p>3 start back further, before our case.</p> <p>4 Q Do you recall any of the people you 5:00:08PM</p> <p>5 understood to have been posting on the blog?</p> <p>6 That is, were there any people in the police</p> <p>7 department that you understood had been posting</p> <p>8 on a blog about the police department?</p> <p>9 MR. NOVIKOFF: Objection. 5:00:21PM</p> <p>10 A Like writing on it? 5:00:25PM</p> <p>11 Q Yes. 5:00:27PM</p> <p>12 A I can't say that I actually 5:00:29PM</p> <p>13 specifically saw somebody write something on it.</p> <p>14 Q Did you ever hear people talking about 5:00:34PM</p> <p>15 specific things that were written on the blog?</p> <p>16 A I can't remember specifics. I 5:00:41PM</p> <p>17 certainly remember them all talking about it all</p> <p>18 the time.</p> <p>19 Q The test of this document underneath 5:00:48PM</p> <p>20 the reference line says, "All officers are to</p> <p>21 refrain from writing into the blog. No one is</p> <p>22 to encourage the lies of the disgruntled</p> <p>23 employees. Pass on this message to all current</p> <p>24 officers. Anyone caught writing in will be</p> <p>25 terminated. The blog will be removed."</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 144	Page 145
<p>1 PAUL CAROLLO</p> <p>2 Did you ever hear from George Hesse or 5:01:13PM</p> <p>3 anyone else anything to the effect that police</p> <p>4 officers writing on the blog would be</p> <p>5 terminated?</p> <p>6 A No. 5:01:26PM</p> <p>7 Q Do you have an understanding of what 5:01:27PM</p> <p>8 it means here, "No one is to encourage the lies</p> <p>9 of the disgruntled employees"?</p> <p>10 MR. NOVIKOFF: Objection. 5:01:34PM</p> <p>11 MR. CONNOLLY: Objection. 5:01:35PM</p> <p>12 A Ask the question again. 5:01:39PM</p> <p>13 Q Do you have an understanding of what 5:01:40PM</p> <p>14 that means?</p> <p>15 MR. NOVIKOFF: Objection. 5:01:42PM</p> <p>16 MR. CONNOLLY: Objection. 5:01:43PM</p> <p>17 A At this point, I think I'm remembering 5:01:48PM</p> <p>18 back that it was -- if you asked me without</p> <p>19 being here for this specific thing, I wouldn't</p> <p>20 remember anything about what it was about.</p> <p>21 You're refreshing my memory back that I guess it</p> <p>22 was about the five of them and the bickering</p> <p>23 back and forth.</p> <p>24 Q And do you remember anything that 5:02:09PM</p> <p>25 might have -- strike that.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Do you remember hearing anything that 5:02:15PM</p> <p>3 had been written with reference to any of the</p> <p>4 five plaintiffs on the blog?</p> <p>5 A Specifics? 5:02:22PM</p> <p>6 Q Specifics or in general, anything that 5:02:24PM</p> <p>7 you do recall.</p> <p>8 MR. CONNOLLY: Objection. 5:02:28PM</p> <p>9 MR. NOVIKOFF: Objection. 5:02:29PM</p> <p>10 A You're bringing my memory back on 5:02:31PM</p> <p>11 certain things, that it was about them and back</p> <p>12 and forth. Specifics about what anybody wrote</p> <p>13 or said, I don't remember.</p> <p>14 Q At this point, do you remember in 5:02:39PM</p> <p>15 particular hearing that anyone in particular had</p> <p>16 been writing about them on the blog?</p> <p>17 MR. NOVIKOFF: Objection. 5:02:46PM</p> <p>18 A Do I remember anyone saying 5:02:53PM</p> <p>19 specifically. I think that they all kind of</p> <p>20 were pointing their finger at one another.</p> <p>21 Q When you refer to "they all," who are 5:03:00PM</p> <p>22 those individuals?</p> <p>23 A I'm trying to think of the whole 5:03:10PM</p> <p>24 situation now. I don't think anybody would say</p> <p>25 that they were on it, and everybody else was</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 146</p> <p>1 PAUL CAROLLO</p> <p>2 assuming maybe it was this one or that one. So</p> <p>3 it's hearsay, you know. I don't know if anybody</p> <p>4 really was actually going on or people were</p> <p>5 assuming that maybe they were going on. You</p> <p>6 know what I mean? I know it's a little vague.</p> <p>7 MR. NOVIKOFF: Ari, perhaps you want 5:03:36PM</p> <p>8 to ask the witness did anyone in his</p> <p>9 presence admit to writing on the blog.</p> <p>10 MR. GRAFF: That's a good question, 5:03:44PM</p> <p>11 Ken.</p> <p>12 MR. NOVIKOFF: Thank you. 5:03:46PM</p> <p>13 A No. 5:03:46PM</p> <p>14 Q If you recall, who was working at the 5:03:57PM</p> <p>15 police station at the time you heard this</p> <p>16 general discussion?</p> <p>17 A Everybody. I can tell you that I 5:04:03PM</p> <p>18 remember George popping it up on the computer</p> <p>19 and showing something or, you know, reading,</p> <p>20 looking at something. Exactly what it said, if</p> <p>21 it wasn't that we were sitting here, I probably</p> <p>22 wouldn't remember whether it was about them not.</p> <p>23 And I couldn't tell you what it said. I'm</p> <p>24 uncomfortable with things like that, and I try</p> <p>25 to avoid them.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 147</p> <p>1 PAUL CAROLLO</p> <p>2 Q Things like that, do you mean 5:04:28PM</p> <p>3 technology things?</p> <p>4 A The reasons I'm vague on things is I 5:04:31PM</p> <p>5 don't like to be around trash -- those things</p> <p>6 make me uncomfortable. So I'm not saying it's</p> <p>7 never anywhere, it's not anything. I don't look</p> <p>8 into it. I don't have an interest in going on a</p> <p>9 blog. I could see right away there was nothing</p> <p>10 good coming out of it, so I stay away. So I</p> <p>11 don't put my full thought process into that</p> <p>12 stuff. That's why maybe sometimes I seem vague</p> <p>13 on things, because that's exactly it. He</p> <p>14 probably popped it up on the computer. I</p> <p>15 couldn't tell you whether they wrote anything or</p> <p>16 didn't write anything. All I know is I'm not</p> <p>17 comfortable with this and I don't want to be</p> <p>18 around it.</p> <p>19 Q Do you recall whether George popped up 5:05:08PM</p> <p>20 something about the plaintiffs on the blog, and</p> <p>21 he thought it was humorous?</p> <p>22 MR. CONNOLLY: Objection. 5:05:14PM</p> <p>23 MR. NOVIKOFF: Objection. 5:05:15PM</p> <p>24 A Ask the question again. 5:05:32PM</p> <p>25 Q At the time that you recall seeing 5:05:34PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 148</p> <p>1 PAUL CAROLLO</p> <p>2 George pop something up on the blog about the</p> <p>3 plaintiffs, did he give any indication that he</p> <p>4 thought that was humorous?</p> <p>5 MR. NOVIKOFF: Objection. 5:05:44PM</p> <p>6 MR. CONNOLLY: Objection. 5:05:46PM</p> <p>7 A I think -- I don't -- they probably 5:05:51PM</p> <p>8 had mixed emotions. They probably found it</p> <p>9 humorous and pissed off about it. I don't know</p> <p>10 if that makes any sense. I don't think they</p> <p>11 were sitting there like, you know -- obviously</p> <p>12 it's one of those things that both sides think</p> <p>13 the other is lying. Let's cut to the chase, you</p> <p>14 know. It's what it's like.</p> <p>15 Q I don't want to keep pressing with the 5:06:13PM</p> <p>16 questions on this. But if you recall anything</p> <p>17 more in particular about what you observed</p> <p>18 people discussing the blog at some point as we</p> <p>19 go on, just please let me know.</p> <p>20 A Okay. 5:06:27PM</p> <p>21 MR. NOVIKOFF: You mean during this 5:06:29PM</p> <p>22 deposition?</p> <p>23 MR. GRAFF: Yes. 5:06:30PM</p> <p>24 MR. NOVIKOFF: Or during the week? 5:06:31PM</p> <p>25 MR. GRAFF: No, during this 5:06:33PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 149</p> <p>1 PAUL CAROLLO</p> <p>2 deposition. Although if you recall later in</p> <p>3 the week, I'd be happy to hear it.</p> <p>4 I'm going to ask the reporter to mark 5:06:42PM</p> <p>5 as Carollo Exhibit 10 what I'll represent to</p> <p>6 be posts numbered 550, 553 and 556 on the</p> <p>7 Schwartz report blog thread Ocean Beach</p> <p>8 police corruption.</p> <p>9 (Whereupon, posts numbered 550, 553 5:07:03PM</p> <p>10 and 556 on the Schwartz report blog thread</p> <p>11 Ocean Beach police corruption was marked as</p> <p>12 Plaintiff's Exhibit 10 for identification,</p> <p>13 as of this date.)</p> <p>14 BY MR. GRAFF: 5:07:03PM</p> <p>15 Q Mr. Carollo, if I could ask you to 5:07:43PM</p> <p>16 just read through all three pages. These are</p> <p>17 separate writings that were put up on the blog</p> <p>18 that I've assembled into one exhibit.</p> <p>19 A (Witness complies.) 5:07:56PM</p> <p>20 MR. NOVIKOFF: What was the question? 5:08:19PM</p> <p>21 MR. GRAFF: Just if he could take a 5:08:21PM</p> <p>22 moment to read them.</p> <p>23 BY MR. GRAFF: 5:08:23PM</p> <p>24 Q Mr. Carollo, did you write any of 5:09:23PM</p> <p>25 these three postings on the blog?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 150</p> <p>1 PAUL CAROLLO</p> <p>2 A No. 5:09:26PM</p> <p>3 Q On the first page, Tom the pedophile, 5:09:30PM</p> <p>4 have you ever heard prior to reading this</p> <p>5 someone refer to Tom Snyder as a pedophile?</p> <p>6 A No. 5:09:39PM</p> <p>7 Q Do you recall whether -- 5:09:40PM</p> <p>8 MR. NOVIKOFF: You're not going to ask 5:09:42PM</p> <p>9 him about the rest of the E-mail?</p> <p>10 BY MR. GRAFF: 5:09:45PM</p> <p>11 Q Do you recall whether Ty Bacon ever 5:09:47PM</p> <p>12 said anything to you about writing on the blog?</p> <p>13 MR. NOVIKOFF: Objection. Asked and 5:09:55PM</p> <p>14 answered.</p> <p>15 A No. 5:09:58PM</p> <p>16 Q As a court officer, is there a 5:10:03PM</p> <p>17 computer at the courthouse that you're able to</p> <p>18 use that is -- through which it's possible to</p> <p>19 access the Internet?</p> <p>20 MR. NOVIKOFF: Objection. You mean 5:10:15PM</p> <p>21 available -- I don't understand the</p> <p>22 question. Is there a computer in general</p> <p>23 that if someone used --</p> <p>24 BY MR. GRAFF: 5:10:22PM</p> <p>25 Q Is there a computer that you are 5:10:23PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 151</p> <p>1 PAUL CAROLLO</p> <p>2 authorized to use to access the Internet at the</p> <p>3 courthouse?</p> <p>4 MR. CONNOLLY: "You" being him 5:10:30PM</p> <p>5 specifically or "you" being a court officer?</p> <p>6 MR. GRAFF: Specifically him. 5:10:34PM</p> <p>7 A Authorized? 5:10:37PM</p> <p>8 Q Yes. 5:10:37PM</p> <p>9 A No. 5:10:38PM</p> <p>10 Q Is there a computer that -- have you 5:10:40PM</p> <p>11 ever used a computer at the courthouse to access</p> <p>12 the Internet?</p> <p>13 A No. 5:10:50PM</p> <p>14 Q To your knowledge, are there other 5:10:53PM</p> <p>15 court officers at the courthouse where you work</p> <p>16 who are authorized to use a computer to access</p> <p>17 the Internet at the courthouse?</p> <p>18 A Authorized? 5:11:04PM</p> <p>19 Q Yes. 5:11:05PM</p> <p>20 A No. 5:11:06PM</p> <p>21 Q Are you aware of any other court 5:11:07PM</p> <p>22 officers who use -- at any point have used a</p> <p>23 computer at the courthouse to access the</p> <p>24 Internet without authorization?</p> <p>25 A Well, two things. One, Ty and I don't 5:11:22PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 152</p> <p>1 PAUL CAROLLO</p> <p>2 work in the same place. Two, even where I work,</p> <p>3 I'm not 100 percent sure what -- we have no</p> <p>4 access to computers in the courtroom. You have</p> <p>5 to have a code. Guys go downstairs to the jury</p> <p>6 room, where the jury room has a computer. Its</p> <p>7 access level, I don't know. I know there are</p> <p>8 some things like there's the Internet and not</p> <p>9 the Internet or something in between. I</p> <p>10 don't -- I don't really use computers. So I</p> <p>11 don't really even notice how far out they can</p> <p>12 get on the computers that is downstairs in the</p> <p>13 jury room. I think it might have limited</p> <p>14 access.</p> <p>15 Q Other than the courtroom and the jury 5:12:16PM</p> <p>16 room, are there other computers in the</p> <p>17 courthouse that a court officer could access?</p> <p>18 MR. CONNOLLY: Objection. And only to 5:12:25PM</p> <p>19 the extent, Ari, which courthouse are you</p> <p>20 referring to.</p> <p>21 BY MR. GRAFF: 5:12:32PM</p> <p>22 Q Which courthouse do you work at? 5:12:33PM</p> <p>23 A Hempstead. 5:12:36PM</p> <p>24 MR. NOVIKOFF: That a court officer 5:12:37PM</p> <p>25 could access within his authority to use a</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 153</p> <p>1 PAUL CAROLLO</p> <p>2 computer as opposed to breaking into a</p> <p>3 judge's chambers and doing it without</p> <p>4 authorization?</p> <p>5 BY MR. GRAFF: 5:12:43PM</p> <p>6 Q Well, are there computers in judges' 5:12:43PM</p> <p>7 chambers? Let me first start with that.</p> <p>8 There's the courtroom, the jury room. Are there</p> <p>9 computers that you're aware of in other</p> <p>10 locations in the Hempstead courthouse?</p> <p>11 A Let's go through that again. I 5:12:56PM</p> <p>12 believe they've all been given a laptop. Is</p> <p>13 there a computer in their chambers? I really</p> <p>14 don't even go into their chambers. I would</p> <p>15 imagine at one time there was. We have this</p> <p>16 thing, they have a laptop and it plugs right</p> <p>17 onto their desk. Most of them don't use it</p> <p>18 anyway. The laptop plugs into it. I guess it's</p> <p>19 hooked up to wireless.</p> <p>20 Q Is there any kind of public Internet 5:13:31PM</p> <p>21 terminal in the courthouse?</p> <p>22 A I think the -- you mean for wireless 5:13:38PM</p> <p>23 access?</p> <p>24 Q Any kind of terminal that a member of 5:13:42PM</p> <p>25 the public could use to access the Internet in</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 154</p> <p>1 PAUL CAROLLO</p> <p>2 the courthouse.</p> <p>3 A The jury room, there's a computer 5:13:48PM</p> <p>4 downstairs in the jury room. I don't know how</p> <p>5 far and what it does.</p> <p>6 MR. NOVIKOFF: Ari, I have to presume 5:13:55PM</p> <p>7 that you're asking these questions because</p> <p>8 these threats came from a terminal that you</p> <p>9 believe came from 99 Main Street; is that</p> <p>10 right?</p> <p>11 ATTORNEY1: Believe that these came 5:14:07PM</p> <p>12 from a courthouse, yes.</p> <p>13 MR. NOVIKOFF: At 99 Main Street? 5:14:09PM</p> <p>14 MR. GRAFF: I'm not certain. 5:14:11PM</p> <p>15 MR. NOVIKOFF: Because there are a lot 5:14:12PM</p> <p>16 of courthouses in Nassau County.</p> <p>17 MR. GRAFF: I understand. 5:14:15PM</p> <p>18 BY MR. GRAFF: 5:14:15PM</p> <p>19 Q Are there -- is there anybody at the 5:14:16PM</p> <p>20 courthouse where you work who works with you who</p> <p>21 also worked or works as an Ocean Beach police</p> <p>22 officer?</p> <p>23 A Say that again. 5:14:28PM</p> <p>24 Q Do any current or former Ocean Beach 5:14:29PM</p> <p>25 police officers work with you at the Hempstead</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 155</p> <p>1 PAUL CAROLLO</p> <p>2 courthouse?</p> <p>3 A Yes. 5:14:34PM</p> <p>4 Q Who are those? 5:14:35PM</p> <p>5 A That's Walter Moeller. 5:14:37PM</p> <p>6 Q Is there anyone else? 5:14:38PM</p> <p>7 A No. 5:14:41PM</p> <p>8 Q When did you first meet Walter 5:14:42PM</p> <p>9 Moeller?</p> <p>10 A I think I'm in Nassau County six 5:14:58PM</p> <p>11 years. Did I meet him specifically -- within</p> <p>12 the last six years.</p> <p>13 Q And did you meet him in the context of 5:15:10PM</p> <p>14 your work as a courthouse officer?</p> <p>15 A Yes. 5:15:20PM</p> <p>16 Q Do you recall Walter Moeller ever 5:15:21PM</p> <p>17 making any statements with reference to a blog?</p> <p>18 A I can't say for sure. I mean as a 5:15:37PM</p> <p>19 conversation, I guess it was probably made in</p> <p>20 conversation.</p> <p>21 Q Did you ever hear him make any 5:15:43PM</p> <p>22 reference to a blog, writing on a blog</p> <p>23 concerning plaintiffs?</p> <p>24 A No. 5:15:52PM</p> <p>25 Q You met Walter Moeller before you 5:15:57PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 156</p> <p>1 PAUL CAROLLO</p> <p>2 started working at Ocean Beach?</p> <p>3 A Yes. 5:16:02PM</p> <p>4 Q Did Walter Moeller have anything to do 5:16:03PM</p> <p>5 with your decision to seek employment at Ocean</p> <p>6 Beach?</p> <p>7 A Yes. 5:16:08PM</p> <p>8 Q And what was his role in that? 5:16:09PM</p> <p>9 A He told me -- I was taking a criminal 5:16:11PM</p> <p>10 justice class, and I happened to have been</p> <p>11 working on a door one day, magnetometer, and I</p> <p>12 guess he saw that I was studying for, you know,</p> <p>13 taking a criminal justice class. And he</p> <p>14 mentioned, oh, you want me to put your name in</p> <p>15 in Ocean Beach. I said sure. I had been --</p> <p>16 almost the first time -- we may have been in the</p> <p>17 same building for a while, but we worked in</p> <p>18 different areas. It might be really one of the</p> <p>19 first times I met him.</p> <p>20 Q At any point, did you come to consider 5:16:53PM</p> <p>21 Walter Moeller a friend?</p> <p>22 A Yes. 5:16:57PM</p> <p>23 Q And today do you consider him a 5:16:58PM</p> <p>24 friend?</p> <p>25 A Yes. Friendly. I don't know if I 5:17:01PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 157</p> <p>1 PAUL CAROLLO</p> <p>2 consider anyone my friend.</p> <p>3 Q Did your feelings towards Walter 5:17:05PM</p> <p>4 Moeller change at any point?</p> <p>5 A No. 5:17:11PM</p> <p>6 Q What about George Hesse? At any point 5:17:12PM</p> <p>7 did you consider him to be a friend?</p> <p>8 A I wouldn't say a friend. 5:17:20PM</p> <p>9 MR. NOVIKOFF: I think the witness 5:17:22PM</p> <p>10 just said he doesn't consider anyone to be a</p> <p>11 friend.</p> <p>12 MR. GRAFF: I may have missed that. 5:17:26PM</p> <p>13 BY MR. GRAFF: 5:17:27PM</p> <p>14 Q Is that correct? 5:17:29PM</p> <p>15 A Yes. 5:17:29PM</p> <p>16 MR. GRAFF: If I can ask you to please 5:18:36PM</p> <p>17 mark as Exhibit Carollo 11 a one-page</p> <p>18 document bearing Bates Number 004420.</p> <p>19 (Whereupon, a one-page document 5:18:45PM</p> <p>20 bearing Bates No. 004420 was marked as</p> <p>21 Plaintiff's Exhibit 11 for identification,</p> <p>22 as of this date.)</p> <p>23 BY MR. GRAFF: 5:18:45PM</p> <p>24 Q When you've had a chance to look this 5:19:32PM</p> <p>25 over, my first question is whether this is</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

Page 158	Page 159
<p>1 PAUL CAROLLO</p> <p>2 something you've seen before. (Handing.)</p> <p>3 A No. 5:19:39PM</p> <p>4 Q No, you have not seen this? 5:19:39PM</p> <p>5 A No. 5:19:41PM</p> <p>6 Q To your knowledge -- are you aware of 5:19:45PM</p> <p>7 any performance evaluations that were conducted</p> <p>8 with respect to yourself as an Ocean Beach</p> <p>9 police officer?</p> <p>10 MR. NOVIKOFF: You mean formally -- 5:19:58PM</p> <p>11 MR. GRAFF: Any written evaluation of 5:20:01PM</p> <p>12 your performance as a police officer.</p> <p>13 A No. The only -- when you come out of 5:20:06PM</p> <p>14 the academy, you got four months or something</p> <p>15 like that before they send back an evaluation of</p> <p>16 you to the police academy. That's the only</p> <p>17 thing that I recall having any kind of -- filled</p> <p>18 out.</p> <p>19 Q Under the section in the middle where 5:20:30PM</p> <p>20 it says "additional supervisory comments,"</p> <p>21 there's a line handwritten that says, "Has not</p> <p>22 worked since 3-27-07."</p> <p>23 Is March 27, 2007 the last time you 5:20:41PM</p> <p>24 worked as a police officer at Ocean Beach?</p> <p>25 A I would assume so. 5:20:50PM</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q And then it says, "Has come in for 5:20:52PM</p> <p>3 some training to keep current status."</p> <p>4 A Yes. 5:20:56PM</p> <p>5 Q Do you understand what that refers to? 5:20:58PM</p> <p>6 A You have to work once a year to keep 5:21:00PM</p> <p>7 your police status.</p> <p>8 Q And what is the basis for your saying 5:21:04PM</p> <p>9 that?</p> <p>10 A Of my saying that? 5:21:08PM</p> <p>11 Q Why would you say that? 5:21:10PM</p> <p>12 A Because that's what I was told. 5:21:11PM</p> <p>13 Q Who told you that? 5:21:12PM</p> <p>14 A Specifically? 5:21:17PM</p> <p>15 Q If you recall. 5:21:17PM</p> <p>16 A I think it's just general knowledge. 5:21:21PM</p> <p>17 Q And what was the nature of the 5:21:26PM</p> <p>18 training that you came into after March 27th,</p> <p>19 '07?</p> <p>20 A Watching training videos. 5:21:37PM</p> <p>21 Q Where did you watch those videos? 5:21:39PM</p> <p>22 A In the station. 5:21:41PM</p> <p>23 Q Were you paid for watching those 5:21:42PM</p> <p>24 videos?</p> <p>25 A Yes. 5:21:44PM</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>
Page 160	Page 161
<p>1 PAUL CAROLLO</p> <p>2 Q How much time did you spend? 5:21:46PM</p> <p>3 A A shift. 5:21:48PM</p> <p>4 Q A shift? 5:21:49PM</p> <p>5 A Yes. 5:21:50PM</p> <p>6 Q Did anyone watch the videos with you 5:21:52PM</p> <p>7 on that shift?</p> <p>8 A No. I don't think so. I think I did 5:21:59PM</p> <p>9 them by myself.</p> <p>10 Q And did you schedule that shift to 5:22:03PM</p> <p>11 come in to watch videos? Did you deal with</p> <p>12 anybody specifically to schedule that?</p> <p>13 A I think I probably dealt with Paul 5:22:21PM</p> <p>14 Trosco.</p> <p>15 Q And what was Paul Trosco's position at 5:22:25PM</p> <p>16 that time?</p> <p>17 A Well, he's a police officer. I don't 5:22:37PM</p> <p>18 know if he had another title. I mean I don't</p> <p>19 know if they -- you know, he wasn't a sergeant.</p> <p>20 He was a police officer. I guess that's as much</p> <p>21 as I can answer that question.</p> <p>22 Q Did you contact Mr. Trosco to schedule 5:22:53PM</p> <p>23 that shift?</p> <p>24 A Did he contact me or did I contact 5:23:05PM</p> <p>25 him? I don't remember how it all transpired.</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q Did you speak with anyone at the 5:23:14PM</p> <p>3 police department when you went there on that</p> <p>4 occasion to watch the videos?</p> <p>5 A Paul Trosco. 5:23:25PM</p> <p>6 You mean was someone there with me? 5:23:25PM</p> <p>7 Q Did you talk to anyone on that day 5:23:28PM</p> <p>8 when you were there?</p> <p>9 A Yeah. I mean Trosco was there. 5:23:32PM</p> <p>10 Q Was anyone else there? 5:23:35PM</p> <p>11 A George may have been there a couple of 5:23:41PM</p> <p>12 times. I don't think he was there the whole</p> <p>13 shift. He may have done like a 4-to-12 shift --</p> <p>14 I think I did a 4-to-12 shift. I remember</p> <p>15 George was there at one time. And then he left.</p> <p>16 He overlapped the shift or something.</p> <p>17 Q Have you ever seen any Ocean Beach 5:24:00PM</p> <p>18 police officers drinking in the police station,</p> <p>19 drinking alcoholic beverages?</p> <p>20 A On duty or off duty? 5:24:13PM</p> <p>21 Q Either. 5:24:15PM</p> <p>22 A Yeah. 5:24:19PM</p> <p>23 Q And have you seen officers drinking on 5:24:20PM</p> <p>24 duty in the police station?</p> <p>25 A I can't say whether -- I would say 5:24:30PM</p> <p> TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 162</p> <p>1 PAUL CAROLLO</p> <p>2 they were off duty.</p> <p>3 Q And who are you referring to? 5:24:33PM</p> <p>4 A You're probably trying to refer to the 5:24:38PM</p> <p>5 Bosettis. They would come and stay all weekend.</p> <p>6 So they'd be coming around the station. My</p> <p>7 point is, I can't say whether they're on duty,</p> <p>8 off duty. It's like people mulling all around.</p> <p>9 Q Just to be clear. Did you see Gary 5:24:57PM</p> <p>10 Bosetti drinking in the police station, whether</p> <p>11 or not you knew whether he was on duty?</p> <p>12 A You know, I don't want to say that I 5:25:07PM</p> <p>13 remember -- you know, I know that they've been</p> <p>14 out and around. Were they in the station, did</p> <p>15 they still have a drink in their hand, I can't</p> <p>16 say I'm totally sure.</p> <p>17 Q As far as -- 5:25:21PM</p> <p>18 A You're asking me if I see people 5:25:22PM</p> <p>19 sitting around in the station just drinking like</p> <p>20 that?</p> <p>21 Q Sure. 5:25:25PM</p> <p>22 A No. 5:25:25PM</p> <p>23 Q Have you ever seen empty cans of 5:25:26PM</p> <p>24 alcohol or used shot glasses around in the</p> <p>25 police station?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 163</p> <p>1 PAUL CAROLLO</p> <p>2 A I've seen them in the barracks. I 5:25:44PM</p> <p>3 can't say for sure that I've seen empty ones in</p> <p>4 the station or not.</p> <p>5 Q Have you seen empty cans or bottles of 5:25:51PM</p> <p>6 beer or any alcohol in any police vehicle?</p> <p>7 A In any police vehicle, no. 5:25:59PM</p> <p>8 Q When I say police station, up until 5:26:12PM</p> <p>9 this point in the deposition, did you understand</p> <p>10 me to be referring to the barracks?</p> <p>11 A The station. 5:26:21PM</p> <p>12 MR. CONNOLLY: The station as 5:26:23PM</p> <p>13 distinguished from the barracks?</p> <p>14 THE WITNESS: Yes. 5:26:28PM</p> <p>15 BY MR. GRAFF: 5:26:29PM</p> <p>16 Q Other than Richard and Gary Bosetti, 5:26:30PM</p> <p>17 do you remember seeing any other police officers</p> <p>18 drinking in the police station, whether they</p> <p>19 were on or off duty?</p> <p>20 MR. CONNOLLY: Objection. 5:26:39PM</p> <p>21 A At the end of some shifts, some guys 5:26:40PM</p> <p>22 would get rocket fuels before they left.</p> <p>23 Q What is rocket fuel? 5:26:44PM</p> <p>24 A I don't know what it is. It's a 5:26:46PM</p> <p>25 drink. What's in it or what it is, I don't</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 164</p> <p>1 PAUL CAROLLO</p> <p>2 know.</p> <p>3 Q Do you know where they would procure 5:26:51PM</p> <p>4 the rocket fuel? That is where they got it?</p> <p>5 A I think CJ's is the one. I don't know 5:26:58PM</p> <p>6 if they all make it, but CJ's makes it.</p> <p>7 Q And rocket fuel is an alcoholic drink? 5:27:05PM</p> <p>8 A I believe so. 5:27:07PM</p> <p>9 Q Have you ever had a drink of rocket 5:27:08PM</p> <p>10 fuel?</p> <p>11 A No. 5:27:10PM</p> <p>12 Q Who did you see ordering rocket fuel 5:27:15PM</p> <p>13 to the police station?</p> <p>14 MR. NOVIKOFF: Objection. 5:27:20PM</p> <p>15 MR. CONNOLLY: Objection. 5:27:22PM</p> <p>16 MR. NOVIKOFF: I don't think he said 5:27:22PM</p> <p>17 he saw people ordering.</p> <p>18 BY MR. GRAFF: 5:27:24PM</p> <p>19 Q When you said they would get rocket 5:27:25PM</p> <p>20 fuel to the station, who are you referring to?</p> <p>21 MR. NOVIKOFF: Objection to the form. 5:27:30PM</p> <p>22 His testimony was that he would see on some</p> <p>23 occasions certain of the police officers at</p> <p>24 the end of the shifts getting rocket fuels.</p> <p>25 And I think that was the extent of his</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 165</p> <p>1 PAUL CAROLLO</p> <p>2 testimony. So that's my objection.</p> <p>3 BY MR. GRAFF: 5:27:46PM</p> <p>4 Q Did you see officers getting rocket 5:27:46PM</p> <p>5 fuel or in possession of rocket fuel in the</p> <p>6 police station?</p> <p>7 A Yeah. 5:27:56PM</p> <p>8 Q Did you see officers drinking rocket 5:27:57PM</p> <p>9 fuel in the police station?</p> <p>10 MR. NOVIKOFF: Whether on duty or off 5:28:02PM</p> <p>11 duty?</p> <p>12 MR. GRAFF: Whether on duty or off 5:28:04PM</p> <p>13 duty.</p> <p>14 MR. NOVIKOFF: Objection to the form. 5:28:07PM</p> <p>15 A Did I see -- at the end of the shift, 5:28:14PM</p> <p>16 a lot of guys or a few guys -- I won't even say</p> <p>17 a lot -- would get the rocket fuels. They were</p> <p>18 on their way out. Were they at the station in</p> <p>19 their hands, yes. Were they sitting there</p> <p>20 drinking them, no, I don't know about that.</p> <p>21 Q Which officers are you referring to? 5:28:31PM</p> <p>22 A It seemed like a few of them. 5:28:32PM</p> <p>23 Q Can you name them? 5:28:34PM</p> <p>24 A I can always remember the biggest one 5:28:41PM</p> <p>25 would be Dave Gurden. Other than that, I'm</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 166</p> <p>1 PAUL CAROLLO</p> <p>2 taking a stab at which ones were actually off.</p> <p>3 Q Now, to make sure I understand. 5:29:00PM</p> <p>4 You would see them drinking in the 5:29:02PM</p> <p>5 police station rocket fuel and then leaving?</p> <p>6 MR. NOVIKOFF: Objection. That wasn't 5:29:08PM</p> <p>7 his testimony. It's actually quite the</p> <p>8 opposite.</p> <p>9 MR. CONNOLLY: Objection. 5:29:11PM</p> <p>10 A At the end of a shift, they would get 5:29:12PM</p> <p>11 them as they were leaving.</p> <p>12 Q As they were leaving to go where? 5:29:18PM</p> <p>13 A Home. 5:29:20PM</p> <p>14 Q And how would they get from the police 5:29:24PM</p> <p>15 station to their vehicles, their personal</p> <p>16 vehicles?</p> <p>17 MR. NOVIKOFF: Objection. 5:29:32PM</p> <p>18 MR. CONNOLLY: Objection. 5:29:33PM</p> <p>19 A They'd be driven out in the truck. 5:29:34PM</p> <p>20 Q And who would drive them out in the 5:29:37PM</p> <p>21 truck?</p> <p>22 A Whoever was available to drive them 5:29:41PM</p> <p>23 out.</p> <p>24 Q Whoever was on duty? 5:29:44PM</p> <p>25 A Sometimes. And sometimes not. 5:29:48PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 167</p> <p>1 PAUL CAROLLO</p> <p>2 Sometimes somebody at the end of that shift.</p> <p>3 Q So the officers would leave with the 5:29:52PM</p> <p>4 rocket fuel and be driven to their vehicles, as</p> <p>5 far as you know?</p> <p>6 A Yes. 5:30:02PM</p> <p>7 Q And you don't recall specifically who 5:30:10PM</p> <p>8 any of those officers were?</p> <p>9 A You know, it would be unfair to say 5:30:13PM</p> <p>10 that, because maybe sometimes one person would</p> <p>11 get them, maybe a few would get them. It would</p> <p>12 be different people.</p> <p>13 Q Was George Hesse ever one of the 5:30:22PM</p> <p>14 officers that you saw drink rocket fuel?</p> <p>15 MR. NOVIKOFF: Objection. 5:30:27PM</p> <p>16 MR. CONNOLLY: Objection. 5:30:28PM</p> <p>17 MR. NOVIKOFF: He didn't testify he 5:30:28PM</p> <p>18 saw people drinking rocket fuel.</p> <p>19 BY MR. GRAFF: 5:30:32PM</p> <p>20 Q Did you testify that you saw people 5:30:33PM</p> <p>21 drinking rocket fuel as they were leaving the</p> <p>22 police station?</p> <p>23 A At the end of a shift, some guys would 5:30:40PM</p> <p>24 get the rocket fuels as they were leaving. Were</p> <p>25 they standing in the station with them at times,</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 168</p> <p>1 PAUL CAROLLO</p> <p>2 milling about on their way out, yes. Were they</p> <p>3 sitting there drinking rocket fuels, no.</p> <p>4 Q Okay. 5:30:57PM</p> <p>5 A Which specific people, I just can't 5:31:00PM</p> <p>6 say.</p> <p>7 Q When you saw the officers on those 5:31:03PM</p> <p>8 occasions, whether or not they were sitting down</p> <p>9 to drink, did you see them drinking the rocket</p> <p>10 fuel as they exited? Does the question make</p> <p>11 sense?</p> <p>12 MR. NOVIKOFF: Objection to form. I 5:31:14PM</p> <p>13 think he's answered this three times now.</p> <p>14 A The thing is in a plastic cup and a 5:31:19PM</p> <p>15 straw.</p> <p>16 Q So would you see them sucking on the 5:31:22PM</p> <p>17 straw as they were leaving?</p> <p>18 MR. NOVIKOFF: Objection. 5:31:25PM</p> <p>19 MR. CONNOLLY: Objection. That would 5:31:27PM</p> <p>20 be drinking.</p> <p>21 A Yeah, I can't say no one ever took a 5:31:28PM</p> <p>22 sip of one in the station. I don't know. They</p> <p>23 were in civilian clothes.</p> <p>24 Q Okay. Did you ever see anybody in 5:31:37PM</p> <p>25 uniform taking a sip of rocket fuel in the</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 169</p> <p>1 PAUL CAROLLO</p> <p>2 station?</p> <p>3 A I can't, you know, specifically say 5:31:44PM</p> <p>4 yes or no.</p> <p>5 Q Did you ever see George Hesse take a 5:31:47PM</p> <p>6 sip of rocket fuel in the station?</p> <p>7 MR. NOVIKOFF: While on duty or off 5:31:55PM</p> <p>8 duty?</p> <p>9 BY MR. GRAFF: 5:31:57PM</p> <p>10 Q If you knew his status, I'll ask that 5:31:59PM</p> <p>11 next. But the question now is ever.</p> <p>12 A I don't think George was as big a 5:32:07PM</p> <p>13 rocket fuel drinker as the other ones. Did I</p> <p>14 ever see him have a rocket fuel or not,</p> <p>15 probably. Was he inside, outside, I don't know.</p> <p>16 Q And did you ever see George Hesse take 5:32:18PM</p> <p>17 a sip of rocket fuel or any other alcoholic</p> <p>18 beverage in uniform?</p> <p>19 A That, I can't remember. 5:32:26PM</p> <p>20 Q On any of the occasions when you did 5:32:27PM</p> <p>21 see George Hesse take a sip of an alcoholic</p> <p>22 beverage, do you know if he was on duty at the</p> <p>23 time?</p> <p>24 MR. NOVIKOFF: Objection to form. 5:32:34PM</p> <p>25 MR. CONNOLLY: Objection. 5:32:35PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 170</p> <p>1 PAUL CAROLLO</p> <p>2 A No. 5:32:36PM</p> <p>3 MR. NOVIKOFF: I don't think he's 5:32:37PM</p> <p>4 testified that he ever saw George Hesse take</p> <p>5 a sip of alcohol.</p> <p>6 BY MR. GRAFF: 5:32:40PM</p> <p>7 Q Maybe I misunderstood you. Did you 5:32:43PM</p> <p>8 ever see George Hesse --</p> <p>9 A I think I've seen -- I can't say who's 5:32:46PM</p> <p>10 on duty, off duty, especially on the shift we</p> <p>11 work. You got a midnight shift. You got people</p> <p>12 sleeping over. So for me to really say this</p> <p>13 person did this and this person did that, I</p> <p>14 would be taking a stab at what maybe you think</p> <p>15 you saw or not.</p> <p>16 Q Without getting into on or off duty or 5:33:08PM</p> <p>17 uniform, just to be clear, because we apparently</p> <p>18 heard different things. Did you see George</p> <p>19 Hesse in the station take a sip of alcohol ever?</p> <p>20 A Specifically at the station take a sip 5:33:27PM</p> <p>21 of alcohol? I remember seeing -- I do remember</p> <p>22 seeing him have a rocket fuel in his hand.</p> <p>23 Whether he was in the station sipping it, unfair</p> <p>24 to say. I really can't take a stab at it.</p> <p>25 Q The rocket fuel in a cup, you said it 5:33:50PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 171</p> <p>1 PAUL CAROLLO</p> <p>2 would have a lid on it?</p> <p>3 A I believe they're in a plastic cup 5:33:54PM</p> <p>4 with a cover.</p> <p>5 Q With a cover. Does a container like 5:33:58PM</p> <p>6 that, to your knowledge, count as an open</p> <p>7 container for the purpose of laws about driving</p> <p>8 with alcohol?</p> <p>9 A I don't know. It's a good question. 5:34:15PM</p> <p>10 That would be a good trial question.</p> <p>11 Q Have you ever off duty had a drink in 5:34:23PM</p> <p>12 any of the bars in Ocean Beach?</p> <p>13 A Me? 5:34:30PM</p> <p>14 Q Yes. 5:34:30PM</p> <p>15 A No. 5:34:31PM</p> <p>16 Q Have you ever observed other officers, 5:34:32PM</p> <p>17 whether or not they were on duty, drinking at</p> <p>18 bars in Ocean Beach?</p> <p>19 MR. NOVIKOFF: Objection to form. 5:34:41PM</p> <p>20 MR. CONNOLLY: Objection. 5:34:42PM</p> <p>21 A Did they go in bars and drink, yes. 5:34:43PM</p> <p>22 Q As far as you know, were any of the 5:34:45PM</p> <p>23 officers who you're aware of who would drink in</p> <p>24 bars in Ocean Beach, did any of them drink in a</p> <p>25 bar in Ocean Beach while they were on duty?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 172</p> <p>1 PAUL CAROLLO</p> <p>2 A I don't know. 5:34:55PM</p> <p>3 Q Did you ever see an officer in 5:34:58PM</p> <p>4 uniform, whether or not he or she was on duty,</p> <p>5 drink in a bar in Ocean Beach?</p> <p>6 MR. NOVIKOFF: Drinking anything in a 5:35:06PM</p> <p>7 bar?</p> <p>8 MR. GRAFF: Drinking an alcoholic 5:35:07PM</p> <p>9 beverage.</p> <p>10 MR. NOVIKOFF: Objection to the form. 5:35:10PM</p> <p>11 Unless you could establish that this witness</p> <p>12 knew exactly what was in a cup or glass,</p> <p>13 then I would have to object on the basis of</p> <p>14 foundation.</p> <p>15 A I didn't hang out in the bars, so I 5:35:19PM</p> <p>16 wasn't in them, thank God.</p> <p>17 Q Did anyone ever instruct you to not 5:35:28PM</p> <p>18 issue summonses or to issue less summonses to</p> <p>19 underage drinkers at any particular bar at Ocean</p> <p>20 Beach?</p> <p>21 MR. NOVIKOFF: Form. 5:35:42PM</p> <p>22 MR. CONNOLLY: Objection. 5:35:43PM</p> <p>23 A No. About -- let's see, he's 17, 16 5:35:43PM</p> <p>24 now, my son. He was probably about 11. I</p> <p>25 remember it was a weekend. And I didn't drink</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 173</p> <p>1 PAUL CAROLLO</p> <p>2 much at all, and I don't know if I had two beers</p> <p>3 one day or I had a beer on a Saturday and a beer</p> <p>4 on a Sunday. And I remember he looked at me and</p> <p>5 said, wow, you're drinking a lot this weekend.</p> <p>6 And it struck me as holy crap, they watch you.</p> <p>7 And at that point I made a decision that I don't</p> <p>8 drink. So in reference to your questions even,</p> <p>9 I don't drink. One of the best decisions I ever</p> <p>10 made, especially going through all of this. I</p> <p>11 was not subject to being in bars, hanging out</p> <p>12 with anybody.</p> <p>13 Q When did you make that decision for 5:36:48PM</p> <p>14 yourself?</p> <p>15 A Maybe six years ago, seven years ago. 5:36:50PM</p> <p>16 Q I'm going to ask some questions going 5:37:14PM</p> <p>17 through the complaint in this case. I know you</p> <p>18 obtained a copy of it.</p> <p>19 MR. NOVIKOFF: Do you have a copy for 5:37:20PM</p> <p>20 us?</p> <p>21 MR. GRAFF: I do. 5:37:23PM</p> <p>22 MR. NOVIKOFF: If you just refer to 5:37:24PM</p> <p>23 the paragraph, then I'll figure out.</p> <p>24 BY MR. GRAFF: 5:37:27PM</p> <p>25 Q Is there anything written on your copy 5:37:33PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 174</p> <p>1 PAUL CAROLLO</p> <p>2 in your handwriting?</p> <p>3 A Did I write anything, no. 5:37:37PM</p> <p>4 MR. GRAFF: Just so we can refer to -- 5:37:38PM</p> <p>5 be sure we're referring to identical copies,</p> <p>6 I'm going to ask the court reporter to mark</p> <p>7 this one as Carollo Exhibit 12 and we'll</p> <p>8 refer to that.</p> <p>9 (Whereupon, Complaint was marked as 5:37:51PM</p> <p>10 Plaintiff's Exhibit 12 for identification,</p> <p>11 as of this date.)</p> <p>12 BY MR. GRAFF: 5:37:51PM</p> <p>13 Q Mr. Carollo, I know you obtained a 5:38:26PM</p> <p>14 copy of the complaint. Did you have a chance to</p> <p>15 read through it before today?</p> <p>16 A Yes. 5:38:32PM</p> <p>17 Q And when did you last read the 5:38:34PM</p> <p>18 complaint?</p> <p>19 A Maybe last Friday. I would say 5:38:41PM</p> <p>20 probably Friday.</p> <p>21 Q Other than reading the complaint, did 5:38:53PM</p> <p>22 you look at any other documents in connection</p> <p>23 with your anticipated deposition today?</p> <p>24 A No. 5:39:01PM</p> <p>25 Q On the very first page of the 5:39:03PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 175</p> <p>1 PAUL CAROLLO</p> <p>2 complaint, under the subheading Preliminary</p> <p>3 Statement, the first half of the first sentence</p> <p>4 refers in quote marks to the blue wall of</p> <p>5 silence. Is that a phrase that you had</p> <p>6 encountered ever before reading it in this</p> <p>7 complaint?</p> <p>8 MR. NOVIKOFF: Objection. 5:39:20PM</p> <p>9 A Encountered it or heard it? 5:39:22PM</p> <p>10 Q Heard it. 5:39:24PM</p> <p>11 A Yes, I've heard it before. 5:39:25PM</p> <p>12 Q What do you understand that to refer 5:39:26PM</p> <p>13 to?</p> <p>14 MR. NOVIKOFF: Objection. 5:39:28PM</p> <p>15 A To not -- what do I -- to be silent 5:39:35PM</p> <p>16 about anything that goes on in a police</p> <p>17 department.</p> <p>18 Q I'm going to skip around to certain 5:39:49PM</p> <p>19 paragraphs and Mr. Novikoff might have questions</p> <p>20 about other paragraphs. But I don't want to</p> <p>21 hide the ball. If at any point you'd like to</p> <p>22 read another section before answering the</p> <p>23 question, just let me know. We can take time.</p> <p>24 MR. NOVIKOFF: If his answer is no, I 5:40:04PM</p> <p>25 will have no questions.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 176</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 5:40:07PM</p> <p>3 Q Skipping forward to Paragraph 14 -- we 5:40:10PM</p> <p>4 don't even have to refer to it. To your</p> <p>5 knowledge, at any time that you worked at Ocean</p> <p>6 Beach, was there an Ocean Beach police</p> <p>7 commissioner?</p> <p>8 MR. NOVIKOFF: Objection. 5:40:30PM</p> <p>9 A I don't know. To the best of my 5:40:34PM</p> <p>10 knowledge, and maybe it was after Loeffler took</p> <p>11 over that I learned that, I believe the mayor is</p> <p>12 the police commissioner.</p> <p>13 Q Okay. And have you ever heard of a 5:40:42PM</p> <p>14 title Ocean Beach Police Department liaison?</p> <p>15 A No. 5:40:49PM</p> <p>16 Q Did you -- do you know if -- other 5:40:53PM</p> <p>17 than in the context of his work as mayor of</p> <p>18 Ocean Beach, do you know whether current Mayor</p> <p>19 Loeffler ever had any position at the Ocean</p> <p>20 Beach Police Department?</p> <p>21 A Say that again. 5:41:11PM</p> <p>22 Q Prior to the time that he became 5:41:13PM</p> <p>23 mayor, do you know if Mr. Loeffler ever had any</p> <p>24 position with the police department?</p> <p>25 A I know his father was the original 5:41:23PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 177</p> <p>1 PAUL CAROLLO</p> <p>2 chief. He was a Suffolk County police officer.</p> <p>3 I don't know if he worked there or not before.</p> <p>4 Q Do you know or did anyone ever 5:41:36PM</p> <p>5 indicate to you that as a trustee of Ocean</p> <p>6 Beach, before he became mayor, Mr. Loeffler had</p> <p>7 any responsibilities or role at that police</p> <p>8 department?</p> <p>9 MR. NOVIKOFF: Objection. 5:41:51PM</p> <p>10 A I don't know. 5:41:52PM</p> <p>11 Q Paragraph 19, if you could just take a 5:41:55PM</p> <p>12 second to read it. I'm not going to read the</p> <p>13 whole thing out loud.</p> <p>14 A (Witness complies.) Okay. 5:42:25PM</p> <p>15 Q Prior to reading the complaint, had 5:42:27PM</p> <p>16 you ever heard of a person named Allison</p> <p>17 Sanchez?</p> <p>18 A No. 5:42:32PM</p> <p>19 Q What about Allison Chester? 5:42:33PM</p> <p>20 A No. 5:42:35PM</p> <p>21 Q Paragraph 24. 5:42:38PM</p> <p>22 A Okay. 5:42:52PM</p> <p>23 Q It states, "Plaintiffs are graduates 5:42:52PM</p> <p>24 of the Suffolk County police academy, having</p> <p>25 successfully completed law enforcement training</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 178</p> <p>1 PAUL CAROLLO</p> <p>2 program sanctioned by the municipal bureau of</p> <p>3 police."</p> <p>4 As far as you know, did you complete 5:43:05PM</p> <p>5 such a training program before becoming a police</p> <p>6 officer at Ocean Beach?</p> <p>7 MR. NOVIKOFF: Objection. 5:43:13PM</p> <p>8 A Have I? 5:43:14PM</p> <p>9 Q Is that the training program that you 5:43:14PM</p> <p>10 went through?</p> <p>11 A Yes. 5:43:17PM</p> <p>12 Q Paragraph 26 says, "Throughout their 5:43:21PM</p> <p>13 careers with the OBPB, plaintiffs performed</p> <p>14 their duties in an exemplary fashion and were</p> <p>15 never the subject of a public complaint,</p> <p>16 investigation or disciplinary action."</p> <p>17 Up until the time of the April 2006 5:43:38PM</p> <p>18 meeting, as far as you know, were any of the</p> <p>19 plaintiffs ever the subject of a public</p> <p>20 complaint?</p> <p>21 A No. 5:43:48PM</p> <p>22 MR. NOVIKOFF: Objection. 5:43:49PM</p> <p>23 BY MR. GRAFF: 5:43:49PM</p> <p>24 Q What about of any disciplinary action 5:43:50PM</p> <p>25 in the context of their employment at Ocean</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 179</p> <p>1 PAUL CAROLLO</p> <p>2 Beach?</p> <p>3 MR. NOVIKOFF: Objection. 5:43:56PM</p> <p>4 A Not that I know of. 5:43:57PM</p> <p>5 MR. GRAFF: What's the objection? 5:43:58PM</p> <p>6 MR. NOVIKOFF: Foundation. How does 5:43:59PM</p> <p>7 this witness know? He was a police officer.</p> <p>8 How would he know that?</p> <p>9 MR. GRAFF: Okay. I understand the 5:44:06PM</p> <p>10 objection.</p> <p>11 MR. NOVIKOFF: In fact, if we could 5:44:09PM</p> <p>12 try not -- if you can, please don't read the</p> <p>13 allegation. It just takes so much more</p> <p>14 time.</p> <p>15 BY MR. GRAFF: 5:44:18PM</p> <p>16 Q Do you know -- did anyone ever say 5:44:27PM</p> <p>17 anything to you about George Hesse passing or</p> <p>18 not passing a civil service sergeant's exam?</p> <p>19 MR. CONNOLLY: Objection. 5:44:39PM</p> <p>20 A Did anybody ever say anything to me? 5:44:40PM</p> <p>21 I think everybody knew he failed it.</p> <p>22 MR. NOVIKOFF: Objection. I think 5:44:45PM</p> <p>23 we've all established what George passed and</p> <p>24 didn't pass. I don't think there's a</p> <p>25 dispute to that.</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 180</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 5:44:54PM</p> <p>3 Q During your employment at Ocean Beach, 5:44:54PM</p> <p>4 did you ever come to learn that dock masters</p> <p>5 were being assigned to cover for police officers</p> <p>6 as dispatchers?</p> <p>7 MR. CONNOLLY: Objection. 5:45:10PM</p> <p>8 A Ask that question again. 5:45:11PM</p> <p>9 Q As far as you know, were dock masters 5:45:14PM</p> <p>10 ever assigned to cover as police dispatchers?</p> <p>11 A While they were a dock master? 5:45:22PM</p> <p>12 Q Yes. 5:45:24PM</p> <p>13 A No. 5:45:26PM</p> <p>14 Q Paragraph 37, I won't read it, if you 5:45:35PM</p> <p>15 could just take a moment to read it yourself.</p> <p>16 A (Witness complies.) Okay. 5:45:40PM</p> <p>17 Q Do you have any knowledge of anything 5:46:27PM</p> <p>18 that's alleged in this paragraph?</p> <p>19 A No. 5:46:30PM</p> <p>20 Q In the course of your work as a police 5:46:33PM</p> <p>21 officer, did you ever have occasion, an occasion</p> <p>22 when you confiscated alcoholic beverages from a</p> <p>23 civilian for any reason?</p> <p>24 A Yes. 5:46:47PM</p> <p>25 Q And as far as -- do you know what was 5:46:49PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 181</p> <p>1 PAUL CAROLLO</p> <p>2 done with those alcoholic beverages after they</p> <p>3 were confiscated?</p> <p>4 A They were put in the station. 5:46:58PM</p> <p>5 Q Where in the station? 5:46:59PM</p> <p>6 A In the kitchen area. 5:47:04PM</p> <p>7 Q And do you know what would happen to 5:47:06PM</p> <p>8 those beverages after they were put in the</p> <p>9 kitchen area?</p> <p>10 A I think the police officers would take 5:47:12PM</p> <p>11 them and drink them.</p> <p>12 Q Were you ever asked or instructed by 5:47:26PM</p> <p>13 anyone to confiscate particular brands of beer?</p> <p>14 A No. 5:47:34PM</p> <p>15 Q In Paragraph 43, if you could take a 5:47:42PM</p> <p>16 moment to read it. My question is about Officer</p> <p>17 Snyder and the emergency cell phone.</p> <p>18 A (Witness complies.) Okay. 5:47:51PM</p> <p>19 Q Have you had a chance to read that 5:48:43PM</p> <p>20 paragraph?</p> <p>21 A Yes. 5:48:45PM</p> <p>22 Q Are you aware of any officers at the 5:48:46PM</p> <p>23 Ocean Beach Police Department who expressed any</p> <p>24 resentment toward Officer Snyder for</p> <p>25 interrupting them with the emergency police cell</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 186</p> <p>1 PAUL CAROLLO</p> <p>2 Hesse?</p> <p>3 THE WITNESS: Yes. 5:53:16PM</p> <p>4 BY MR. GRAFF: 5:53:16PM</p> <p>5 Q Did you ever hear from anyone that 5:53:16PM</p> <p>6 George Hesse spent the night at that</p> <p>7 individual's residence anywhere?</p> <p>8 MR. CONNOLLY: Objection. 5:53:22PM</p> <p>9 A The only thing I really remember, like 5:53:23PM</p> <p>10 I said, and I could be wrong, that wasn't the</p> <p>11 guy, the place we're talking about, about the</p> <p>12 Bosettis going to a party or someplace that was,</p> <p>13 you know, later on, like, you know what, it's</p> <p>14 not a good idea to hang out there.</p> <p>15 Q As far as you know, at any point 5:53:39PM</p> <p>16 during your employment at Ocean Beach, did</p> <p>17 anyone live in the police barracks?</p> <p>18 MR. NOVIKOFF: Objection to form. 5:53:45PM</p> <p>19 A What do you mean, live? 5:53:49PM</p> <p>20 Q Use the police barracks as their 5:54:01PM</p> <p>21 primary residence?</p> <p>22 A Ask the question again. 5:54:09PM</p> <p>23 Q As far as you know, at any time that 5:54:10PM</p> <p>24 you worked at Ocean Beach, was the Ocean Beach</p> <p>25 police barracks the residence or the place where</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 187</p> <p>1 PAUL CAROLLO</p> <p>2 any police officers lived as their main dwelling</p> <p>3 place?</p> <p>4 MR. NOVIKOFF: Same objection. 5:54:23PM</p> <p>5 A I believe that -- at any time while I 5:54:24PM</p> <p>6 was working there or after?</p> <p>7 Q At any time that you have knowledge 5:54:31PM</p> <p>8 of.</p> <p>9 A I believe that full-timers get a 5:54:34PM</p> <p>10 residence. And when Paul Trosco became a</p> <p>11 full-time resident, he stayed there.</p> <p>12 Q Did you observe him staying there at 5:54:44PM</p> <p>13 that time?</p> <p>14 A Yes. 5:54:46PM</p> <p>15 Q Was that after you had stopped working 5:54:47PM</p> <p>16 at Ocean Beach?</p> <p>17 A It was during one of my training 5:54:50PM</p> <p>18 classes, yeah.</p> <p>19 Q And as far as what you saw, did 5:54:54PM</p> <p>20 Mr. Trosco move his stuff in and move into that</p> <p>21 as his actual residence?</p> <p>22 MR. CONNOLLY: Objection. 5:55:05PM</p> <p>23 A Did he move everything out of his 5:55:05PM</p> <p>24 parents' house?</p> <p>25 Q Yeah. 5:55:11PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 188</p> <p>1 PAUL CAROLLO</p> <p>2 A I don't remember. 5:55:12PM</p> <p>3 Q Do you know where his apartment was? 5:55:12PM</p> <p>4 A What do you mean? 5:55:15PM</p> <p>5 Q Did he have an apartment somewhere 5:55:16PM</p> <p>6 else that he maintained at that time, as far as</p> <p>7 you know?</p> <p>8 A I'm not sure. 5:55:21PM</p> <p>9 MR. NOVIKOFF: Wasn't Trosco hired 5:55:23PM</p> <p>10 after your clients were fired?</p> <p>11 MR. GRAFF: Yes. 5:55:29PM</p> <p>12 MR. NOVIKOFF: Let's assume Hesse 5:55:30PM</p> <p>13 committed five acts of felony by doing this,</p> <p>14 what relevance does it have to this?</p> <p>15 BY MR. GRAFF: 5:55:41PM</p> <p>16 Q Could you describe what was in the 5:55:43PM</p> <p>17 police barracks? Was it like a locker room?</p> <p>18 A Yeah, but I never got a locker. I was 5:55:49PM</p> <p>19 cheated out of that. You went upstairs --</p> <p>20 actually, it was split. There was an apartment,</p> <p>21 had nothing do with the police barracks. There</p> <p>22 was another door. You got the door to the</p> <p>23 building and the door that went into the</p> <p>24 barracks. As soon as you went into the door, to</p> <p>25 the left was a bathroom. And there was a</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 189</p> <p>1 PAUL CAROLLO</p> <p>2 hallway, and it had all lockers in it and a</p> <p>3 couple of closets too, I think. And you went</p> <p>4 straight back, there was another room back there</p> <p>5 that had lockers and beds. And then there was a</p> <p>6 room next to that that had lockers and beds.</p> <p>7 You know what, let me rephrase that. 5:56:32PM</p> <p>8 I think the first room I said, I don't know if</p> <p>9 there was any lockers in there. It might have</p> <p>10 been all closets. The other room had more</p> <p>11 lockers in it and beds; and when you came out,</p> <p>12 there was another -- then you went into like a</p> <p>13 living room/kitchen.</p> <p>14 Q Were there any private bedrooms within 5:56:58PM</p> <p>15 the barracks?</p> <p>16 A When I was there? 5:57:07PM</p> <p>17 Q Yes. 5:57:08PM</p> <p>18 A George had a room. 5:57:09PM</p> <p>19 Q George had a room in the barracks? 5:57:10PM</p> <p>20 A Yes. 5:57:12PM</p> <p>21 Q At what point in time did he have that 5:57:12PM</p> <p>22 room? Did he have it at all times that he</p> <p>23 worked there?</p> <p>24 A Yes. 5:57:32PM</p> <p>25 Q And did George Hesse live in that 5:57:35PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 190</p> <p>1 PAUL CAROLLO</p> <p>2 room?</p> <p>3 MR. CONNOLLY: Objection. 5:57:38PM</p> <p>4 A When he stayed over, he stayed in that 5:57:41PM</p> <p>5 room. He lived at home with his wife and kids.</p> <p>6 Q Where is the home you're referring to? 5:57:46PM</p> <p>7 A I believe it's in Islip -- east Islip. 5:57:48PM</p> <p>8 Q Other than Mr. Trosco, did anyone else 5:57:56PM</p> <p>9 live in the police barracks that you know of?</p> <p>10 A No. You're talking about a home, 5:58:04PM</p> <p>11 right?</p> <p>12 Q Yeah. 5:58:10PM</p> <p>13 A Where they live nowhere else? 5:58:10PM</p> <p>14 Q Yeah. 5:58:13PM</p> <p>15 A No one that I know. 5:58:14PM</p> <p>16 Q And did George Hesse at all times that 5:58:15PM</p> <p>17 you worked there, as far as you know, have a</p> <p>18 home that was somewhere outside of Ocean Beach?</p> <p>19 A Yes. I'm trying not to get your 5:58:21PM</p> <p>20 question mixed up with people coming and working</p> <p>21 a whole weekend. Yes, they stayed over. When</p> <p>22 they weren't working and they were partying or</p> <p>23 whatever, you know, they stayed there, yes.</p> <p>24 Q Did you ever stay over in the police 5:58:39PM</p> <p>25 barracks?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 191</p> <p>1 PAUL CAROLLO</p> <p>2 A I think I might have done a 9-to-5 5:58:48PM</p> <p>3 shift, and I think I had court at 8:00 the next</p> <p>4 morning. I think I may have stayed once.</p> <p>5 Q Earlier, when you had indicated that 5:59:03PM</p> <p>6 beers that would be confiscated would go to the</p> <p>7 kitchen and be consumed, who would drink those</p> <p>8 beers?</p> <p>9 A Whoever. I guess they eventually made 5:59:15PM</p> <p>10 their way up to the barracks.</p> <p>11 Q That would be police officers who 5:59:20PM</p> <p>12 would eventually drink them?</p> <p>13 MR. NOVIKOFF: Objection. 5:59:23PM</p> <p>14 A Yes. 5:59:25PM</p> <p>15 Q Can you identify by name anybody that 5:59:27PM</p> <p>16 you're aware of that would drink confiscated</p> <p>17 alcohol?</p> <p>18 A Probably whoever was staying over, 5:59:34PM</p> <p>19 whatever.</p> <p>20 Q As far as you know, did George Hesse 5:59:38PM</p> <p>21 at any point store anything that had been</p> <p>22 confiscated from civilians in his own office at</p> <p>23 the police department?</p> <p>24 MR. CONNOLLY: Objection. 5:59:52PM</p> <p>25 A Are you talking about the drawer? 5:59:53PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 192</p> <p>1 PAUL CAROLLO</p> <p>2 Q Yes. 5:59:54PM</p> <p>3 A What's the question? 6:00:01PM</p> <p>4 Q Well, what was the drawer that 6:00:03PM</p> <p>5 you're --</p> <p>6 A The drawer where he says there's drugs 6:00:05PM</p> <p>7 in there.</p> <p>8 Q In the complaint? 6:00:09PM</p> <p>9 A Yes. 6:00:10PM</p> <p>10 Q The drawer in George Hesse's office 6:00:10PM</p> <p>11 that had confiscated drugs? That's alleged.</p> <p>12 MR. NOVIKOFF: Let the record reflect 6:00:17PM</p> <p>13 the witness was pointing to some point of</p> <p>14 the complaint. What allegation is that, so</p> <p>15 we're on the same page?</p> <p>16 THE WITNESS: I wasn't pointing at 6:00:23PM</p> <p>17 anything specific. I just remember -- I</p> <p>18 know what you're referring to.</p> <p>19 MR. NOVIKOFF: There's some allegation 6:00:29PM</p> <p>20 in the complaint about some drugs being in</p> <p>21 George Hesse's desk.</p> <p>22 MR. GRAFF: Yeah. 6:00:34PM</p> <p>23 BY MR. GRAFF: 6:00:34PM</p> <p>24 Q Do you have any knowledge of that 6:00:35PM</p> <p>25 being the case?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 193</p> <p>1 PAUL CAROLLO</p> <p>2 A Yes. 6:00:37PM</p> <p>3 Q Do you have any knowledge of there 6:00:41PM</p> <p>4 being a drawer in George Hesse's office where he</p> <p>5 did store drugs?</p> <p>6 MR. NOVIKOFF: Confiscated. 6:00:49PM</p> <p>7 MR. CONNOLLY: Confiscated. 6:00:50PM</p> <p>8 MR. GRAFF: Yeah. 6:00:51PM</p> <p>9 A Where they came from exactly, I don't 6:00:52PM</p> <p>10 know. There was drugs in the drawer, yes.</p> <p>11 Q How did you know there were drugs in a 6:00:59PM</p> <p>12 drawer in George Hesse's office?</p> <p>13 A Because whenever you went in to get 6:01:05PM</p> <p>14 whatever else, there were drugs in there, a lot</p> <p>15 of stuff in there.</p> <p>16 Q Can you remember any of the stuff that 6:01:10PM</p> <p>17 you were referring to?</p> <p>18 A Not specifically. Maybe marijuana. I 6:01:13PM</p> <p>19 can't remember more specific stuff. Different</p> <p>20 drugs, I guess.</p> <p>21 Q Did George Hesse ever say anything to 6:01:24PM</p> <p>22 you to the effect that he had used drugs?</p> <p>23 A No. 6:01:32PM</p> <p>24 Q Have you ever known George Hesse to 6:01:33PM</p> <p>25 use illegal drugs?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 198</p> <p>1 PAUL CAROLLO</p> <p>2 Q 53 or 54? 53. Okay? 6:08:00PM</p> <p>3 MR. NOVIKOFF: Note my objection to 6:08:04PM</p> <p>4 this entire line. It's going back and forth</p> <p>5 between different paragraphs which you</p> <p>6 haven't even asked this witness to read.</p> <p>7 BY MR. GRAFF: 6:08:11PM</p> <p>8 Q If you could just take one minute to 6:08:12PM</p> <p>9 read 53 and 54 together.</p> <p>10 MR. NOVIKOFF: Don't you want to lay a 6:08:52PM</p> <p>11 foundation as to whether this witness</p> <p>12 personally witnessed any of the allegations</p> <p>13 set forth in 53 and 56? Because you haven't</p> <p>14 done that yet, and that's the basis of all</p> <p>15 my objections.</p> <p>16 MR. GRAFF: Okay. 6:09:05PM</p> <p>17 A Okay. 6:09:44PM</p> <p>18 Q A few minutes ago you indicated you 6:10:16PM</p> <p>19 knew all about a situation. Is that a situation</p> <p>20 alleged in 53, 54, 55 or 56?</p> <p>21 MR. NOVIKOFF: Objection. 6:10:26PM</p> <p>22 A I think it kind of runs on here a 6:10:27PM</p> <p>23 little bit. I think the one I'm talking about</p> <p>24 ends. Yeah, they're two separate situations.</p> <p>25 Q Okay. Which is the situation if you 6:10:45PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 199</p> <p>1 PAUL CAROLLO</p> <p>2 could just describe in your own words?</p> <p>3 MR. NOVIKOFF: Objection. 6:10:49PM</p> <p>4 A The one in the apartment. 6:10:50PM</p> <p>5 MR. NOVIKOFF: What was your question? 6:10:51PM</p> <p>6 MR. GRAFF: I didn't want to cut 6:10:54PM</p> <p>7 Mr. Carollo off.</p> <p>8 BY MR. GRAFF: 6:10:56PM</p> <p>9 Q Were you about to say something? 6:10:57PM</p> <p>10 A The one where they threw something 6:10:59PM</p> <p>11 over the balcony. The only thing, I don't</p> <p>12 remember it being Snyder. I thought it was</p> <p>13 Dyer. I know Kevin Lamm was there.</p> <p>14 Q Okay. So you had heard about a 6:11:10PM</p> <p>15 situation where youths threw something over an</p> <p>16 apartment balcony and Kevin Lamm was present?</p> <p>17 MR. NOVIKOFF: Objection. 6:11:17PM</p> <p>18 A Yes. 6:11:20PM</p> <p>19 Q And what's the basis for your 6:11:20PM</p> <p>20 knowledge about that situation? How do you know</p> <p>21 about that situation?</p> <p>22 A I was there. 6:11:27PM</p> <p>23 Q And what is it that you witnessed? 6:11:28PM</p> <p>24 A I didn't witness -- I don't know if I 6:11:31PM</p> <p>25 witnessed -- I remember those guys calling,</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 200</p> <p>1 PAUL CAROLLO</p> <p>2 saying they got hit with something or something</p> <p>3 to that effect.</p> <p>4 Q Did you respond as a responding 6:11:38PM</p> <p>5 officer at the scene of that event?</p> <p>6 A Yes. 6:11:42PM</p> <p>7 Q Could you describe what happened from 6:11:45PM</p> <p>8 the time you arrived at that scene until you</p> <p>9 left?</p> <p>10 A I went up the stairs. Went upstairs. 6:11:52PM</p> <p>11 The kids were up there. I'm trying to think. I</p> <p>12 went into the apartment. I think that -- I</p> <p>13 don't think they had -- I don't remember if I</p> <p>14 found beer. I think I remember that they found</p> <p>15 one drug paraphernalia thing. I don't remember</p> <p>16 if it was a bong. They didn't find any drugs.</p> <p>17 It was a bong or maybe a pipe.</p> <p>18 Q Was that found when you went up? 6:12:33PM</p> <p>19 A Yes, it was in the apartment. 6:12:35PM</p> <p>20 Q Who went up with you? 6:12:37PM</p> <p>21 A Obviously Kevin. I thought it was 6:12:41PM</p> <p>22 Dyer, though. I guess George was there. I'm</p> <p>23 trying to remember. George, Kevin.</p> <p>24 You were there too, weren't you? 6:12:54PM</p> <p>25 MR. NOVIKOFF: Let the record reflect 6:12:58PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 201</p> <p>1 PAUL CAROLLO</p> <p>2 the witness is referring to Mr. Fiorillo.</p> <p>3 BY MR. GRAFF: 6:13:01PM</p> <p>4 Q Since Mr. Fiorillo is not on the 6:13:03PM</p> <p>5 record, he can't respond to questions.</p> <p>6 A Sorry. I was thinking. We went 6:13:08PM</p> <p>7 upstairs and went in the apartment. I don't</p> <p>8 remember the alcohol. They were probably</p> <p>9 drinking alcohol, but I don't think there was</p> <p>10 much alcohol up there. They probably only had a</p> <p>11 couple of cans. I don't remember that it was</p> <p>12 actually beer that went over. I thought they</p> <p>13 thought they spit on them or something now that</p> <p>14 I'm thinking about it. This says that they</p> <p>15 dropped beer on them. I think they thought they</p> <p>16 spit on them.</p> <p>17 Q Okay. Was anyone in that apartment 6:13:56PM</p> <p>18 issued a summons?</p> <p>19 A I don't think so. 6:14:04PM</p> <p>20 Q Do you recall whether anyone attempted 6:14:06PM</p> <p>21 to -- any of the officers attempted to issue a</p> <p>22 summons to those individuals?</p> <p>23 A I don't recall whether anyone tried 6:14:20PM</p> <p>24 to. I would say once George was there, you have</p> <p>25 your supervisor there, you're gonna follow his</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 202	Page 203
<p>1 PAUL CAROLLO</p> <p>2 direction.</p> <p>3 Q Did George Hesse give any -- 6:14:27PM</p> <p>4 A And I don't think any summonses were 6:14:29PM</p> <p>5 issued.</p> <p>6 Q Do you recall whether George Hesse 6:14:32PM</p> <p>7 gave any direction with respect to whether</p> <p>8 summonses should have been issued at that time?</p> <p>9 A I would assume that whatever he 6:14:39PM</p> <p>10 decided, you know. If he decided to issue</p> <p>11 summonses, they would've been issued. And if he</p> <p>12 decided not to, they wouldn't have been.</p> <p>13 Q Did George Hesse say anything to you 6:14:48PM</p> <p>14 about issuing or not issuing summonses at that</p> <p>15 time to those individuals?</p> <p>16 A No, I don't think so. Obviously, the 6:14:53PM</p> <p>17 guys that were there would've issued the summons</p> <p>18 if they decided to issue something.</p> <p>19 Q Were you among the guys that were 6:15:00PM</p> <p>20 there?</p> <p>21 A No. I believe they called on the 6:15:02PM</p> <p>22 radio. I don't remember how I ended up there.</p> <p>23 I wasn't one of the ones standing underneath.</p> <p>24 Maybe just up the block.</p> <p>25 Q I'm talking about once you went 6:15:11PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 upstairs and someone found drug paraphernalia,</p> <p>3 were summons issued in connection with finding</p> <p>4 of that drug paraphernalia?</p> <p>5 A I don't think so. 6:15:24PM</p> <p>6 Q Do you recall whether George Hesse 6:15:25PM</p> <p>7 gave any direction with respect to whether</p> <p>8 summonses should be issued in connection --</p> <p>9 A I don't recall. I'm making an 6:15:31PM</p> <p>10 assumption that that's how it would've went.</p> <p>11 Q Do you recall whether George Hesse 6:15:41PM</p> <p>12 said anything to the individuals in that</p> <p>13 apartment about Kevin Lamm?</p> <p>14 A No. 6:15:55PM</p> <p>15 Q Do you recall whether George Hesse 6:15:57PM</p> <p>16 stated that Officer Lamm was a loser?</p> <p>17 A No. 6:16:04PM</p> <p>18 Q Do you recall whether George Hesse 6:16:05PM</p> <p>19 said to those youths -- I'm sorry, were they</p> <p>20 youths in that apartment?</p> <p>21 A Yes. 6:16:12PM</p> <p>22 MR. CONNOLLY: Objection. 6:16:13PM</p> <p>23 A What are we considering a youth? 6:16:13PM</p> <p>24 Q Do you know how old any of those 6:16:15PM</p> <p>25 individuals were?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 204	Page 205
<p>1 PAUL CAROLLO</p> <p>2 A If you're 21, you're this; if you're 6:16:18PM</p> <p>3 18, you're that.</p> <p>4 Q Do you know how old any of the people 6:16:23PM</p> <p>5 in the apartment were?</p> <p>6 A I don't recall how old they were. I 6:16:26PM</p> <p>7 believe they were under age to be drinking, but</p> <p>8 that would only make them under 21. Were they</p> <p>9 18 or were they 15, that, I don't remember.</p> <p>10 Q Do you recall whether George Hesse 6:16:36PM</p> <p>11 said to those individuals that no one likes</p> <p>12 Officer Lamm?</p> <p>13 A No. 6:16:45PM</p> <p>14 These look like two different 6:16:48PM</p> <p>15 situations, though. You're telling me in 56,</p> <p>16 where he -- that's where I think we had gotten</p> <p>17 confused originally, right?</p> <p>18 Q Without referring here, I'm just 6:17:02PM</p> <p>19 asking your memory of what happened when you</p> <p>20 went up the steps.</p> <p>21 A No, I don't remember him saying 6:17:07PM</p> <p>22 anything to that effect.</p> <p>23 Q Do you know or do you remember what 6:17:10PM</p> <p>24 was done with the drug paraphernalia found in</p> <p>25 the apartment?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 A No. It was probably taken, but 6:17:16PM</p> <p>3 that's, you know...</p> <p>4 Q You don't know either way? 6:17:19PM</p> <p>5 A When I read the thing, it came back to 6:17:21PM</p> <p>6 me a little bit. The exact specifics, I don't</p> <p>7 know in that sense. I couldn't even tell you if</p> <p>8 it was either a bong or a pipe, and there is a</p> <p>9 big difference between the two of them. I can't</p> <p>10 remember which one it was.</p> <p>11 Q If you could take a quick look at 6:17:50PM</p> <p>12 Paragraph 58.</p> <p>13 A (Witness complies.) Okay. I don't 6:17:53PM</p> <p>14 remember that at all. I have no knowledge of</p> <p>15 that.</p> <p>16 Q I may have asked this earlier today. 6:18:18PM</p> <p>17 Did you ever respond to a domestic disturbance</p> <p>18 involving Lisa Campbell?</p> <p>19 A No. No. That was a whole big thing 6:18:28PM</p> <p>20 back and forth, right? I never responded to any</p> <p>21 of that.</p> <p>22 Q I'm not sure what you're referring to. 6:18:42PM</p> <p>23 A You're asking me about Lisa Campbell. 6:18:44PM</p> <p>24 Q Yes. 6:18:47PM</p> <p>25 A Right. 6:18:49PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 206	Page 207
<p>1 PAUL CAROLLO</p> <p>2 Q You weren't involved in any -- 6:18:50PM</p> <p>3 A I remember people talking about it, 6:18:52PM</p> <p>4 because he had an order of protection against</p> <p>5 her.</p> <p>6 Q Who had one? 6:18:56PM</p> <p>7 A Or she had one against the boyfriend. 6:18:58PM</p> <p>8 Q Do you recall the boyfriend's name? 6:19:00PM</p> <p>9 A No. 6:19:01PM</p> <p>10 Q If I said Frank Tutone, would it 6:19:02PM</p> <p>11 refresh your recollection?</p> <p>12 A Yeah, that was probably it. 6:19:06PM</p> <p>13 Q Do you recall whether -- I'm sorry, 6:19:08PM</p> <p>14 that was probably the name of her boyfriend?</p> <p>15 A Yeah. 6:19:13PM</p> <p>16 Q Do you recall who had the order of 6:19:14PM</p> <p>17 protection against who in that relationship?</p> <p>18 A I believe she had one against him. 6:19:24PM</p> <p>19 Q And do you recall -- I know you said 6:19:26PM</p> <p>20 it wasn't you who was involved. Do you recall</p> <p>21 which police officers were involved in it?</p> <p>22 A No. The recollection of the whole 6:19:32PM</p> <p>23 thing, I think it was something that went on for</p> <p>24 months or years. I don't think it was one</p> <p>25 incident in that situation.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q Are you aware of any other boyfriend 6:19:43PM</p> <p>3 or -- do you know anyone else who Lisa Campbell</p> <p>4 had a romantic relationship with other than</p> <p>5 Frank Tutone?</p> <p>6 A No. 6:20:00PM</p> <p>7 Q You don't have to refer specifically 6:20:03PM</p> <p>8 to the complaint, but there's an allegation</p> <p>9 about the Bosettis and a file cabinet in the</p> <p>10 Great South Bay. Do you know what I'm referring</p> <p>11 to?</p> <p>12 A I heard of that story. 6:20:14PM</p> <p>13 Q When did you hear about that story? 6:20:16PM</p> <p>14 A Maybe about after it even happened. 6:20:18PM</p> <p>15 Q What was it that you heard about that 6:20:19PM</p> <p>16 story?</p> <p>17 MR. NOVIKOFF: Objection. 6:20:22PM</p> <p>18 A They threw a file cabinet in the bay. 6:20:24PM</p> <p>19 Q Who told you about that incident? 6:20:26PM</p> <p>20 A I don't remember. May have been when 6:20:29PM</p> <p>21 I came on shift even. May have been everybody.</p> <p>22 Q Did you ever speak with either of the 6:20:34PM</p> <p>23 Bosettis about that incident?</p> <p>24 A I don't think so. 6:20:41PM</p> <p>25 Q After the plaintiffs were let go at 6:20:45PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 208	Page 209
<p>1 PAUL CAROLLO</p> <p>2 the April meeting, did you ever have any</p> <p>3 discussions with George Hesse that included</p> <p>4 reference to any of the plaintiffs?</p> <p>5 A I guess so. I mean like you're 6:21:06PM</p> <p>6 getting back to the blog thing and whatnot.</p> <p>7 There was conversation about it all the time, I</p> <p>8 guess. We don't need to -- obviously, there was</p> <p>9 all this said. You know, they didn't like them,</p> <p>10 you know. I mean, it's not, you know...</p> <p>11 Q When you say they didn't like them? 6:21:23PM</p> <p>12 A Obviously all of the rumors, 6:21:25PM</p> <p>13 everything that transpired for him to really</p> <p>14 decide to want to let them go, obviously. Then</p> <p>15 this whole blog, who started the blog, whatever,</p> <p>16 there was all this back and forth crap.</p> <p>17 Q There's a whole section in the 6:21:45PM</p> <p>18 complaint, it starts at Paragraph 63, about a</p> <p>19 Halloween incident. Do you know what that</p> <p>20 refers to? Would you understand what I'm</p> <p>21 referring to?</p> <p>22 A Yeah, I heard about the Halloween 6:21:59PM</p> <p>23 incident, yeah.</p> <p>24 MR. NOVIKOFF: Ari, respectfully, I 6:22:05PM</p> <p>25 think we have established through no less</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 than 15 depositions that this individual,</p> <p>3 this witness was not there. Had no part in</p> <p>4 the investigation. So anything you're going</p> <p>5 to be asking him about this Halloween</p> <p>6 incident is what he heard from some other</p> <p>7 people. If you want to ask him if Hesse</p> <p>8 asked him anything to him about the</p> <p>9 Halloween incident, that's perfect.</p> <p>10 MR. GRAFF: I think I'm going where 6:22:28PM</p> <p>11 you want.</p> <p>12 MR. NOVIKOFF: Fine. 6:22:31PM</p> <p>13 BY MR. GRAFF: 6:22:31PM</p> <p>14 Q Did you ever have any discussions with 6:22:31PM</p> <p>15 George Hesse about the Halloween incident?</p> <p>16 MR. CONNOLLY: Objection. 6:22:41PM</p> <p>17 A Yeah. When you say discussions, you 6:22:42PM</p> <p>18 mean he and I personally?</p> <p>19 Q Let's start with that. 6:22:46PM</p> <p>20 A I don't know if I had a personal 6:22:47PM</p> <p>21 conversation with him. Was I in a room where</p> <p>22 they were talking about it, yes.</p> <p>23 Q Who else was in the room? 6:22:53PM</p> <p>24 A I don't know. 6:22:54PM</p> <p>25 Q What did George Hesse say in reference 6:22:55PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 210</p> <p>1 PAUL CAROLLO</p> <p>2 to that incident?</p> <p>3 A He talked about -- it was right after 6:22:58PM</p> <p>4 it happened and Gary was let go by Paradiso.</p> <p>5 And George wasn't satisfied with the story,</p> <p>6 whatever, and they investigated it and changed</p> <p>7 it around.</p> <p>8 Q What did George Hesse say that led you 6:23:24PM</p> <p>9 to believe he wasn't satisfied with the</p> <p>10 investigation?</p> <p>11 A Say that again. 6:23:37PM</p> <p>12 Q What did George Hesse say that you 6:23:38PM</p> <p>13 understood to mean that he was not happy with</p> <p>14 the investigation?</p> <p>15 MR. CONNOLLY: Objection to the form. 6:23:45PM</p> <p>16 A I don't think he said that he wasn't 6:23:47PM</p> <p>17 happy with -- I don't think it was thought of as</p> <p>18 an investigation. You had conflicting stories.</p> <p>19 Obviously, you had their story, and then you had</p> <p>20 the Bosettis' story.</p> <p>21 Q By "their story," whose story are you 6:23:58PM</p> <p>22 referring to?</p> <p>23 A I'm not even sure if Frank was there. 6:24:05PM</p> <p>24 Whoever was on that night of Halloween.</p> <p>25 Q When you say that they changed it 6:24:10PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 211</p> <p>1 PAUL CAROLLO</p> <p>2 around, what --</p> <p>3 A Well, obviously from, you know, Gary 6:24:14PM</p> <p>4 was rehired. So whatever was felt -- changed in</p> <p>5 the sense of whoever felt it was, you know, the</p> <p>6 victim and who was the assailant, assaulter, the</p> <p>7 defendant.</p> <p>8 Q Did Gary Bosetti ever say anything to 6:24:31PM</p> <p>9 you about the Halloween incident?</p> <p>10 A I don't think so. 6:24:40PM</p> <p>11 Q Did you hear Gary Bosetti, maybe not 6:24:40PM</p> <p>12 to you, but ever say anything about the</p> <p>13 Halloween incident to anyone?</p> <p>14 A I heard the story that -- I don't know 6:24:51PM</p> <p>15 who -- something about a lady was in a bathroom.</p> <p>16 Someone barged in on her or maybe she was in</p> <p>17 there too long and one of these guys, whatever</p> <p>18 it was, barged in on her or kept banging on the</p> <p>19 door or whatever --</p> <p>20 Q Who told you that? 6:25:13PM</p> <p>21 A I don't know. 6:25:14PM</p> <p>22 Q Did you ever hear Richard Bosetti say 6:25:15PM</p> <p>23 anything about the Halloween incident?</p> <p>24 A They've all talked about it. If 6:25:33PM</p> <p>25 you're asking me -- I know you're trying to ask</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 212</p> <p>1 PAUL CAROLLO</p> <p>2 me a specific thing, and I can't say Richard</p> <p>3 said this, that and the other thing. Obviously</p> <p>4 the whole place was upset and pissed off about</p> <p>5 the whole thing. So it was obviously a heavy</p> <p>6 topic of conversation at the time.</p> <p>7 Q Did anyone ever say to you that -- 6:25:50PM</p> <p>8 A I've never heard anything outside the 6:25:54PM</p> <p>9 story of the way it was finalized. Right, wrong</p> <p>10 or different, I have no opinion. I wasn't</p> <p>11 there. But anything that anybody would've said</p> <p>12 would be that Gary didn't start the fight.</p> <p>13 Q Did anyone ever tell you that the 6:26:08PM</p> <p>14 Halloween incident had anything to do with why</p> <p>15 any of the plaintiffs were let go?</p> <p>16 MR. NOVIKOFF: Objection to the form. 6:26:15PM</p> <p>17 A No. 6:26:18PM</p> <p>18 Q Do you remember anyone ever saying 6:26:22PM</p> <p>19 anything about the reasons why any of the</p> <p>20 plaintiffs were let go?</p> <p>21 MR. NOVIKOFF: At any time? 6:26:39PM</p> <p>22 MR. GRAFF: Yes. 6:26:41PM</p> <p>23 A I mean, the gist of the whole thing is 6:26:42PM</p> <p>24 George, unfortunately, didn't like them.</p> <p>25 Whatever went back and forth -- I'm not saying</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 213</p> <p>1 PAUL CAROLLO</p> <p>2 who's right or wrong. The way the situation</p> <p>3 went down, I feel really bad about, and I don't</p> <p>4 think it was the best way to handle it. But</p> <p>5 needless to say, the specifics of whatever -- I</p> <p>6 guess the basic thing I would get out of it,</p> <p>7 they had their opinion of the way things should</p> <p>8 be and George had his, and they chose -- felt</p> <p>9 George was wrong or whatever. And, you know,</p> <p>10 whoever's right or wrong, that's when he was in</p> <p>11 charge and he decided that's one of the things</p> <p>12 he was going to do.</p> <p>13 Q Did George Hesse ever indicate to you 6:27:28PM</p> <p>14 in substance that one of the reasons he didn't</p> <p>15 like any of the plaintiffs was the Halloween</p> <p>16 incident?</p> <p>17 MR. CONNOLLY: Objection. Asked and 6:27:36PM</p> <p>18 answered.</p> <p>19 A No. Was it a mixture of a whole bunch 6:27:37PM</p> <p>20 of things? I don't know what was going on in</p> <p>21 George's head. It's pretty self-explanatory</p> <p>22 that he doesn't -- I'm not saying who's right or</p> <p>23 wrong. Differences in opinion and whatnot. I</p> <p>24 don't think it was because of the Halloween</p> <p>25 incident or whatever. I never heard that. I</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 214	Page 215
<p>1 PAUL CAROLLO</p> <p>2 never heard him say, oh, because of Halloween,</p> <p>3 that's why he fired them. Were they pissed off</p> <p>4 about that? Obviously they went a different</p> <p>5 direction of what the officers of the night felt</p> <p>6 was what happened.</p> <p>7 Q Other than putting aside the Halloween 6:28:13PM</p> <p>8 incident -- withdrawn.</p> <p>9 (Whereupon, a discussion was held off 6:28:19PM</p> <p>10 the record.)</p> <p>11 MR. GRAFF: This will be the next 6:33:46PM</p> <p>12 exhibit.</p> <p>13 (Whereupon, Bates document 4431 was 6:33:48PM</p> <p>14 marked as Plaintiff's Exhibit 13 for</p> <p>15 identification, as of this date.)</p> <p>16 BY MR. GRAFF: 6:33:48PM</p> <p>17 Q Mr. Carollo, I'm not going to continue 6:35:31PM</p> <p>18 going through anything in the complaint. But</p> <p>19 I'd ask, now that we've gone through some of it,</p> <p>20 do you recall whether there were any other</p> <p>21 allegations that we haven't discussed that</p> <p>22 jumped out at you?</p> <p>23 A No. 6:36:24PM</p> <p>24 Q Okay. So let's put that aside. 6:36:24PM</p> <p>25 A (Witness complies.) 6:36:29PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q Did George Hesse ever say anything 6:36:30PM</p> <p>3 that you heard in connection with employment</p> <p>4 references for the plaintiffs after they were</p> <p>5 terminated?</p> <p>6 MR. NOVIKOFF: Objection. 6:36:37PM</p> <p>7 MR. CONNOLLY: Objection. 6:36:40PM</p> <p>8 A Ask the question again. 6:36:45PM</p> <p>9 Q Let me ask it slightly differently. 6:36:47PM</p> <p>10 Did George Hesse ever say anything to 6:36:49PM</p> <p>11 you or in your presence about plaintiffs' search</p> <p>12 for jobs after they were fired from Ocean Beach?</p> <p>13 A I believe he had said one time that, I 6:37:01PM</p> <p>14 guess, they were looking for a job in</p> <p>15 Southampton.</p> <p>16 Q And do you recall if he said who 6:37:07PM</p> <p>17 specifically was looking for a job there?</p> <p>18 A No, I can't say which one 6:37:11PM</p> <p>19 specifically.</p> <p>20 Q And what did he say? 6:37:14PM</p> <p>21 A He got a call from Southampton. 6:37:16PM</p> <p>22 Q Did he say anything else about the 6:37:19PM</p> <p>23 call?</p> <p>24 A I guess not really. He was probably 6:37:30PM</p> <p>25 indicating, like anybody, if you let somebody</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 216	Page 217
<p>1 PAUL CAROLLO</p> <p>2 go, you're not gonna give a good recommendation.</p> <p>3 I guess that's why you don't usually use your</p> <p>4 last employer as a recommendation. I don't</p> <p>5 remember any specific things. Obviously that he</p> <p>6 wasn't giving the greatest recommendation.</p> <p>7 Q Do you recall in substance that he 6:37:52PM</p> <p>8 said he didn't give a positive recommendation?</p> <p>9 A No. 6:37:56PM</p> <p>10 MR. NOVIKOFF: Objection. 6:37:57PM</p> <p>11 A It's more of an indication. I can't 6:37:59PM</p> <p>12 say specifically what it was that he said.</p> <p>13 MR. NOVIKOFF: What was that last 6:38:05PM</p> <p>14 part?</p> <p>15 THE WITNESS: I can't remember 6:38:07PM</p> <p>16 specifically --</p> <p>17 MR. NOVIKOFF: She can read it. 6:38:18PM</p> <p>18 (Whereupon, the requested portion was 6:38:19PM</p> <p>19 read back by the court reporter: It's more</p> <p>20 of an indication. I can't say specifically</p> <p>21 what it was that he said.)</p> <p>22 BY MR. GRAFF: 6:38:19PM</p> <p>23 Q Other than in connection with 6:38:21PM</p> <p>24 Southampton, were there any other times that</p> <p>25 George Hesse said anything about plaintiffs and</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 subsequent employment?</p> <p>3 A No. 6:38:27PM</p> <p>4 Q When was the most recent time that you 6:38:34PM</p> <p>5 spoke to any of the plaintiffs, other than</p> <p>6 today?</p> <p>7 A I probably haven't spoken to them 6:38:46PM</p> <p>8 since probably '06.</p> <p>9 Q And just to be clear for the record, 6:38:54PM</p> <p>10 Frank Fiorillo is present today. And I know you</p> <p>11 had exchanged hellos.</p> <p>12 A Yeah. 6:39:03PM</p> <p>13 Q Did you and Frank today discuss 6:39:03PM</p> <p>14 anything about your testimony?</p> <p>15 A No. 6:39:06PM</p> <p>16 Q When did you first find out that the 6:39:11PM</p> <p>17 plaintiffs had filed a lawsuit against Ocean</p> <p>18 Beach?</p> <p>19 A I can only imagine that -- what's the 6:39:19PM</p> <p>20 date on it? I'm sure not too long after it was</p> <p>21 filed. As long as I was still working there.</p> <p>22 Q And do you know who the source of your 6:39:32PM</p> <p>23 information about the lawsuit was at that time?</p> <p>24 A No. 6:39:39PM</p> <p>25 Q Did George Hesse ever say anything to 6:39:40PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 218</p> <p>1 PAUL CAROLLO</p> <p>2 you about this lawsuit?</p> <p>3 MR. NOVIKOFF: Objection to the form. 6:39:50PM</p> <p>4 A Obviously, the thing's been in 6:39:53PM</p> <p>5 conversation. So I'm not sure what it is that</p> <p>6 you're -- I've certainly -- certainly the</p> <p>7 conversation has come up.</p> <p>8 Q Do you recall anything that he said in 6:40:09PM</p> <p>9 conversation about the lawsuit?</p> <p>10 A Specifics, no. Obviously, he's not 6:40:16PM</p> <p>11 happy about it. Thinks it's ridiculous, yes.</p> <p>12 Q When was the last time you spoke to 6:40:21PM</p> <p>13 George Hesse, the most recent time?</p> <p>14 A I tried to call him not that long ago. 6:40:43PM</p> <p>15 The conversation didn't go that well. I'd say</p> <p>16 December.</p> <p>17 Q Is that the conversation that didn't 6:40:50PM</p> <p>18 go very well?</p> <p>19 A No, December, I saw him. December of 6:40:52PM</p> <p>20 '08.</p> <p>21 Q Did you speak to him in December '08? 6:40:55PM</p> <p>22 A Briefly. It was actually a shift 6:41:00PM</p> <p>23 change. I was going in for training.</p> <p>24 Q A shift change where? 6:41:05PM</p> <p>25 A He was leaving, I was going in. 6:41:06PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 219</p> <p>1 PAUL CAROLLO</p> <p>2 Q At what location? 6:41:08PM</p> <p>3 A The parking lot. What's it called 6:41:10PM</p> <p>4 again? It's the parking lot at the lighthouse.</p> <p>5 Q Was that when you were there for that 6:41:22PM</p> <p>6 one shift for training?</p> <p>7 A Yes. 6:41:25PM</p> <p>8 Q Did you ever discuss anything about 6:41:27PM</p> <p>9 any of the plaintiffs, anything, with Mayor</p> <p>10 Loeffler?</p> <p>11 A No. 6:41:36PM</p> <p>12 Q What about with Mayor Rogers? 6:41:37PM</p> <p>13 A No. 6:41:40PM</p> <p>14 Q Do you know who Maryanne Minerva is? 6:41:41PM</p> <p>15 A Yes. 6:41:43PM</p> <p>16 Q Did you ever speak with her about any 6:41:44PM</p> <p>17 of the plaintiffs?</p> <p>18 A No. 6:41:46PM</p> <p>19 Q Earlier you had referred to a Gurden. 6:41:53PM</p> <p>20 A Yeah. 6:42:00PM</p> <p>21 Q Who's the person you're referring to? 6:42:00PM</p> <p>22 A Dave Gurden. 6:42:02PM</p> <p>23 Q When did you first meet Dave Gurden? 6:42:03PM</p> <p>24 A The first year -- I don't know. Must 6:42:11PM</p> <p>25 have been -- well, he was there in 2005. I</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 220</p> <p>1 PAUL CAROLLO</p> <p>2 don't think he was there my first year. So it</p> <p>3 was probably 2005.</p> <p>4 Q And was he still working there in 6:42:22PM</p> <p>5 March 2007?</p> <p>6 A No. 6:42:26PM</p> <p>7 Q Did you ever work on the same shift as 6:42:26PM</p> <p>8 Dave Gurden?</p> <p>9 A Yes. 6:42:30PM</p> <p>10 Q Do you know why Dave Gurden stopped 6:42:32PM</p> <p>11 working in Ocean Beach?</p> <p>12 MR. NOVIKOFF: Objection. 6:42:35PM</p> <p>13 A He was fired. 6:42:37PM</p> <p>14 Q Who told you that he was fired? 6:42:39PM</p> <p>15 MR. CONNOLLY: Objection. 6:42:45PM</p> <p>16 A I don't know. 6:42:48PM</p> <p>17 Q Did you ever discuss Dave Gurden's 6:42:49PM</p> <p>18 being fired with George Hesse?</p> <p>19 A I'm sure the conversation's come up. 6:43:10PM</p> <p>20 MR. NOVIKOFF: Wasn't Gurden fired 6:43:12PM</p> <p>21 after April 2006? Why is this relevant?</p> <p>22 BY MR. GRAFF: 6:43:18PM</p> <p>23 Q Did George Hesse indicate or 6:43:20PM</p> <p>24 communicate to you any reason why Dave Gurden</p> <p>25 was fired?</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 221</p> <p>1 PAUL CAROLLO</p> <p>2 A Because he was photocopying paperwork. 6:43:26PM</p> <p>3 Q Do you know what paperwork he was 6:43:28PM</p> <p>4 fired for copying?</p> <p>5 A It might have been this. I'm not 6:43:41PM</p> <p>6 200 percent sure of it. This case. I'm not</p> <p>7 really -- I'm not 100 percent sure of this. I</p> <p>8 think it was stuff like this, though. It was</p> <p>9 another lawsuit or this lawsuit.</p> <p>10 Q I don't understand that. He was fired 6:44:02PM</p> <p>11 for copying paperwork in connection with this</p> <p>12 lawsuit that you're testifying in?</p> <p>13 MR. CONNOLLY: Are you asking? 6:44:12PM</p> <p>14 BY MR. GRAFF: 6:44:12PM</p> <p>15 Q I'm asking if that's your 6:44:14PM</p> <p>16 understanding.</p> <p>17 MR. NOVIKOFF: He said maybe. 6:44:15PM</p> <p>18 Objection.</p> <p>19 A Yeah. He was fired for photocopying 6:44:17PM</p> <p>20 something off of George's desk.</p> <p>21 Q Do you know who fired him? 6:44:24PM</p> <p>22 A George. 6:44:25PM</p> <p>23 Q Did George tell you that he fired Dave 6:44:26PM</p> <p>24 Gurden?</p> <p>25 A Personally? 6:44:30PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

Page 222	Page 223
<p>1 PAUL CAROLLO</p> <p>2 Q Yes. 6:44:31PM</p> <p>3 A I don't recall. 6:44:32PM</p> <p>4 Q Other than the plaintiffs and 6:44:37PM</p> <p>5 Mr. Gurden, have any other police officers been</p> <p>6 fired at Ocean Beach during the course of your</p> <p>7 employment there, as far as you know?</p> <p>8 MR. NOVIKOFF: Objection. 6:44:49PM</p> <p>9 A No. 6:44:52PM</p> <p>10 Q Prior to the time when Dave Gurden was 6:44:55PM</p> <p>11 fired, had anyone ever told you that</p> <p>12 photocopying things without authorization would</p> <p>13 be grounds for termination?</p> <p>14 MR. NOVIKOFF: Objection. 6:45:08PM</p> <p>15 A I believe that one of the other 6:45:13PM</p> <p>16 officers saw Dave photocopy it and put the copy</p> <p>17 in his bag.</p> <p>18 Q What officer do you believe saw that? 6:45:22PM</p> <p>19 A Embry. 6:45:26PM</p> <p>20 Q And what's the basis for your belief 6:45:27PM</p> <p>21 that he observed that?</p> <p>22 A That's how I heard the story. 6:45:32PM</p> <p>23 Q You heard it from Officer Embry? 6:45:34PM</p> <p>24 A I don't know if the first time I heard 6:45:42PM</p> <p>25 it was from him. I can't say. I don't think I</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 heard the original thing what happened from him.</p> <p>3 But later on did he say something? It's</p> <p>4 possible.</p> <p>5 Q Did George Hesse ever say to you that 6:45:54PM</p> <p>6 the documents that Gurden allegedly copied had</p> <p>7 something to do with some lawsuit?</p> <p>8 A I don't know if it was George that 6:46:08PM</p> <p>9 said it or someone else.</p> <p>10 Q If it was someone else, would it be a 6:46:14PM</p> <p>11 specific person that you have in mind or you're</p> <p>12 you just not sure?</p> <p>13 MR. NOVIKOFF: Objection. 6:46:19PM</p> <p>14 MR. CONNOLLY: Objection. 6:46:21PM</p> <p>15 A I'm not sure. 6:46:23PM</p> <p>16 Q Did you ever speak with Officer -- 6:46:24PM</p> <p>17 Mr. Gurden after he was fired?</p> <p>18 A No. 6:46:30PM</p> <p>19 Q I asked the court reporter what will 6:46:45PM</p> <p>20 be the last exhibit today, Carollo Exhibit 13.</p> <p>21 It's a one-page document bearing Bates Number</p> <p>22 4431. (Handing.)</p> <p>23 Actually, before I turn to this 6:46:57PM</p> <p>24 document, Mr. Carollo, if I could just backtrack</p> <p>25 for one second.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 224	Page 225
<p>1 PAUL CAROLLO</p> <p>2 Had you ever heard George Hesse 6:47:11PM</p> <p>3 express any kind of dissatisfaction or problem</p> <p>4 with Dave Gurden prior to the incident that led</p> <p>5 to his termination?</p> <p>6 MR. NOVIKOFF: Objection. 6:47:24PM</p> <p>7 MR. CONNOLLY: Objection. 6:47:25PM</p> <p>8 A Yeah. There was some things that I 6:47:31PM</p> <p>9 don't think he liked the way he was starting to</p> <p>10 operate.</p> <p>11 Q Can you elaborate on that at all? 6:47:37PM</p> <p>12 MR. NOVIKOFF: Is there something 6:47:41PM</p> <p>13 relevant to Gurden being terminated, other</p> <p>14 than it's part of a D.A. investigation?</p> <p>15 A I think Dave was just a loudmouth. 6:48:05PM</p> <p>16 Q Did George Hesse express or 6:48:11PM</p> <p>17 communicate to you --</p> <p>18 A No, not personally. 6:48:15PM</p> <p>19 Q Do you know if anyone else in the 6:48:17PM</p> <p>20 department ever had problems with Dave Gurden</p> <p>21 that they communicated to -- did anyone else</p> <p>22 ever tell that you they had problems with Dave</p> <p>23 Gurden before he was terminated?</p> <p>24 A No. 6:48:30PM</p> <p>25 Q Do you have any reason at all to 6:48:33PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 believe that Dave Gurden was not a good cop up</p> <p>3 until the incident that led to him being</p> <p>4 terminated?</p> <p>5 MR. NOVIKOFF: Objection. 6:48:42PM</p> <p>6 MR. CONNOLLY: Objection. 6:48:43PM</p> <p>7 A No. 6:48:43PM</p> <p>8 Q What's been marked as Carollo 6:48:44PM</p> <p>9 Exhibit 13, do you recognize that document?</p> <p>10 Please take a moment to read it.</p> <p>11 A I did. Yeah. I forgot about it. I 6:48:57PM</p> <p>12 don't know where it is, but yes.</p> <p>13 Q Is this a letter that you received? 6:49:03PM</p> <p>14 A I believe so, yeah. 6:49:06PM</p> <p>15 Q Earlier you had mentioned that it was 6:49:09PM</p> <p>16 your understanding that you need to work at</p> <p>17 least one shift to maintain your status. Is</p> <p>18 this letter the source of --</p> <p>19 A Yes. Well, I may have known that 6:49:21PM</p> <p>20 beforehand.</p> <p>21 Q Were you at some point put on modified 6:49:31PM</p> <p>22 duty as a police officer at Ocean Beach?</p> <p>23 A I don't know what I was classified as. 6:49:40PM</p> <p>24 I wasn't working.</p> <p>25 Q The very last sentence of this letter 6:49:45PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 226</p> <p>1 PAUL CAROLLO</p> <p>2 states, "Upon the successful completion of court</p> <p>3 actions, we would like to reinstate you to your</p> <p>4 previous assignment."</p> <p>5 Do you know what the court actions 6:49:55PM</p> <p>6 being referred to here are?</p> <p>7 A The criminal case. 6:50:00PM</p> <p>8 Q And has that been completed, as far as 6:50:03PM</p> <p>9 you know?</p> <p>10 A Yes. 6:50:06PM</p> <p>11 Q Did you at any point seek 6:50:07PM</p> <p>12 reinstatement to your previous assignment at</p> <p>13 Ocean Beach?</p> <p>14 A Say that again. I wasn't asked back. 6:50:15PM</p> <p>15 MR. CONNOLLY: That wasn't the 6:50:20PM</p> <p>16 question.</p> <p>17 BY MR. GRAFF: 6:50:21PM</p> <p>18 Q Did you ever ask to come back? 6:50:22PM</p> <p>19 MR. CONNOLLY: You had a pending 6:50:26PM</p> <p>20 question, Ari. Let him answer that question</p> <p>21 and go into the next.</p> <p>22 MR. GRAFF: I'm sorry, could you read 6:50:33PM</p> <p>23 back the pending question.</p> <p>24 (Whereupon, the requested portion was 6:50:37PM</p> <p>25 read back by the court reporter: Did you at</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 227</p> <p>1 PAUL CAROLLO</p> <p>2 any point seek reinstatement to your</p> <p>3 previous assignment at Ocean Beach?)</p> <p>4 A I had been indicated and told, just 6:50:56PM</p> <p>5 even with trying to get an attorney for this,</p> <p>6 that I'm not an employee.</p> <p>7 Q Did you ever ask anyone if you could 6:51:03PM</p> <p>8 get your old position back?</p> <p>9 A It was pretty much indicated to me 6:51:08PM</p> <p>10 that I was not welcome back.</p> <p>11 Q Who indicated that to you? 6:51:12PM</p> <p>12 A Just the gist of things. 6:51:14PM</p> <p>13 Q Was there any person who was the 6:51:16PM</p> <p>14 source of your information on what you</p> <p>15 characterized as the gist?</p> <p>16 A I think the 20 guys that were staring 6:51:21PM</p> <p>17 me down through the court case.</p> <p>18 Q I know this was an issue that you were 6:51:33PM</p> <p>19 uncomfortable with. I don't want to ask a whole</p> <p>20 lot of questions about it. Could you describe</p> <p>21 what your involvement in that court case was?</p> <p>22 MR. NOVIKOFF: Wait a minute. You're 6:51:43PM</p> <p>23 going to ask him now at 6:50 p.m. what his</p> <p>24 involvement was with the Gilbert case, a</p> <p>25 case in which he was indicted for and which</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 228</p> <p>1 PAUL CAROLLO</p> <p>2 the charges were dismissed? Literally, that</p> <p>3 question could take two hours.</p> <p>4 MR. GRAFF: Very briefly. 6:52:05PM</p> <p>5 MR. NOVIKOFF: What does that mean? 6:52:09PM</p> <p>6 Do you want him to go through the incident</p> <p>7 that night, the events after the incident</p> <p>8 that night, his conversation with the D.A.?</p> <p>9 What testimony he gave at court?</p> <p>10 MR. GRAFF: I don't want to go through 6:52:20PM</p> <p>11 everything in painful detail.</p> <p>12 BY MR. GRAFF: 6:52:23PM</p> <p>13 Q Did you testify at a criminal trial in 6:52:24PM</p> <p>14 connection with Ocean Beach?</p> <p>15 A Yes. 6:52:28PM</p> <p>16 Q Who were the defendants at this time? 6:52:31PM</p> <p>17 MR. NOVIKOFF: I think we can 6:52:33PM</p> <p>18 stipulate who the defendants are.</p> <p>19 A Hesse and Hardman. 6:52:38PM</p> <p>20 Q Briefly, what was the substance of 6:52:43PM</p> <p>21 your testimony?</p> <p>22 MR. NOVIKOFF: Note my objection. I 6:52:46PM</p> <p>23 think not only is the form of the question</p> <p>24 objectionable, I'm going on the record that</p> <p>25 this is now palpably irrelevant to any of</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 229</p> <p>1 PAUL CAROLLO</p> <p>2 the issues in this lawsuit. I cannot</p> <p>3 instruct this witness not to answer the</p> <p>4 question. If he was my witness, I would,</p> <p>5 but I can't instruct him not to answer.</p> <p>6 MR. GRAFF: Because you don't 6:53:12PM</p> <p>7 represent the witness?</p> <p>8 MR. NOVIKOFF: Exactly. 6:53:14PM</p> <p>9 MR. GRAFF: You represent the Ocean 6:53:15PM</p> <p>10 Beach defendants except for George Hesse?</p> <p>11 MR. NOVIKOFF: Right. So I can't 6:53:19PM</p> <p>12 instruct the witness not to answer a</p> <p>13 question.</p> <p>14 THE WITNESS: Do you want to call the 6:53:35PM</p> <p>15 judge again?</p> <p>16 BY MR. GRAFF: 6:53:37PM</p> <p>17 Q There was information that was not 6:53:37PM</p> <p>18 clear to me until you indicated to the judge</p> <p>19 earlier today that you did not take a guilty</p> <p>20 plea. Is that the case? That is, did you take</p> <p>21 a guilty plea, plead guilty?</p> <p>22 A No. This is all easy information you 6:53:54PM</p> <p>23 guys could find out.</p> <p>24 MR. NOVIKOFF: This is all public 6:53:58PM</p> <p>25 information, Ari. There's no secret here</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 230</p> <p>1 PAUL CAROLLO</p> <p>2 with regard to what took place. There's</p> <p>3 trial transcripts. I mean to ask this</p> <p>4 witness to go through what he may or may not</p> <p>5 have pled to, what the disposition of his</p> <p>6 indictment was, what he testified to, I</p> <p>7 mean, I don't get it. I hate to be</p> <p>8 obstructionist. I try not to be. But we</p> <p>9 know what happened. There were allegations</p> <p>10 of beating of Mr. Gilbert by one or more</p> <p>11 police officers. They were indicted. Two</p> <p>12 of them went to trial. One of them I think</p> <p>13 pled and one of them we found discontinued.</p> <p>14 The jury came back with a complete</p> <p>15 acquittal. There was a civil trial.</p> <p>16 According to Newsday, that settled. Again,</p> <p>17 we can do this for an hour, if you want.</p> <p>18 I'm not trying to be an asshole here. What</p> <p>19 do you need to get from this witness that</p> <p>20 you can't get from what's already out there</p> <p>21 in the public? That's really what it comes</p> <p>22 down to.</p> <p>23 MR. GRAFF: I don't want to harass the 6:55:05PM</p> <p>24 witness, and I don't want to prolong this.</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 231</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 6:55:08PM</p> <p>3 Q Other than that criminal case, were 6:55:08PM</p> <p>4 you personally involved in any way in any other</p> <p>5 allegations against George Hesse involving</p> <p>6 claims of brutality?</p> <p>7 A You gotta ask me that question again. 6:55:24PM</p> <p>8 MR. NOVIKOFF: Other than what may 6:55:27PM</p> <p>9 have been alleged against you with regard to</p> <p>10 the Samuel Gilbert incident, were any</p> <p>11 allegations ever made against you in any</p> <p>12 other complaint concerning police brutality</p> <p>13 at Ocean Beach?</p> <p>14 THE WITNESS: No. 6:55:42PM</p> <p>15 BY MR. GRAFF: 6:55:42PM</p> <p>16 Q Were you ever a witness to any other 6:55:44PM</p> <p>17 events that, as far as you know, are the basis</p> <p>18 for allegations of police brutality against</p> <p>19 Ocean Beach?</p> <p>20 A No. 6:55:52PM</p> <p>21 Q Did George Hesse ever say anything to 6:55:52PM</p> <p>22 you involving or concerning any allegations of</p> <p>23 police brutality made against him, other than</p> <p>24 this criminal case?</p> <p>25 A Repeat that question. 6:56:05PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 232</p> <p>1 PAUL CAROLLO</p> <p>2 Q Other than the case that you were 6:56:06PM</p> <p>3 involved in in 2007, did George Hesse ever say</p> <p>4 anything to you about any other police brutality</p> <p>5 cases that he was involved in?</p> <p>6 A No. 6:56:16PM</p> <p>7 MR. CONNOLLY: Objection to the form. 6:56:16PM</p> <p>8 BY MR. GRAFF: 6:56:17PM</p> <p>9 Q As far as you know, has George Hesse 6:56:23PM</p> <p>10 been involved in any other police brutality</p> <p>11 cases?</p> <p>12 MR. NOVIKOFF: Note my objection. 6:56:29PM</p> <p>13 MR. CONNOLLY: Objection. 6:56:31PM</p> <p>14 MR. NOVIKOFF: Again, the problem with 6:56:35PM</p> <p>15 that question is if this witness personally</p> <p>16 witnessed, and he's already answered that he</p> <p>17 hasn't, then he can answer your question.</p> <p>18 If it's not based upon personal knowledge,</p> <p>19 then it's based upon some hearsay or some</p> <p>20 third parties, and I think you've already</p> <p>21 asked that question as well. That's the</p> <p>22 basis of my objection.</p> <p>23 MR. CONNOLLY: You're making reference 6:56:59PM</p> <p>24 to cases. So I'm assuming that's lawsuits?</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 233</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 6:57:02PM</p> <p>3 Q As far as you know, have there been 6:57:04PM</p> <p>4 other lawsuits in which George Hesse was named</p> <p>5 as a defendant that related to allegations of</p> <p>6 police brutality?</p> <p>7 A I don't know what any cases are really 6:57:12PM</p> <p>8 related to.</p> <p>9 MR. GRAFF: Let me take a brief 6:57:27PM</p> <p>10 moment.</p> <p>11 MR. NOVIKOFF: Sure. 6:57:30PM</p> <p>12 MR. CONNOLLY: Great. 6:57:32PM</p> <p>13 (Whereupon, a discussion was held off 6:57:33PM</p> <p>14 the record.)</p> <p>15 BY MR. GRAFF: 6:57:33PM</p> <p>16 Q Are you aware of any lawsuit at Ocean 6:59:03PM</p> <p>17 Beach at which Jesse Prisco was a plaintiff?</p> <p>18 A Jesse Prisco? I believe -- is that 6:59:12PM</p> <p>19 the name of the -- there's one other case on</p> <p>20 there, right? Two cases? You're asking me</p> <p>21 questions I don't really know answers to. I'm</p> <p>22 guessing.</p> <p>23 MR. CONNOLLY: Don't guess. 6:59:30PM</p> <p>24 BY MR. GRAFF: 6:59:30PM</p> <p>25 Q Did you respond at the scene as a 6:59:33PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 234	Page 235
<p>1 PAUL CAROLLO</p> <p>2 responding officer in connection with anything</p> <p>3 that gave rise to a lawsuit by Jesse Prisco that</p> <p>4 you're aware of?</p> <p>5 A That's the lawyer case? 6:59:45PM</p> <p>6 Q I believe Mr. Prisco is a lawyer. 6:59:49PM</p> <p>7 A I'm going to have to ask you if you're 6:59:54PM</p> <p>8 telling me there's a suit.</p> <p>9 Q Did you -- do you know who Jesse 7:00:00PM</p> <p>10 Prisco is?</p> <p>11 A I think so. 7:00:04PM</p> <p>12 Q Did you respond to the scene of an 7:00:06PM</p> <p>13 incident involving Jesse Prisco at which Frank</p> <p>14 Fiorillo was also present?</p> <p>15 A Yes. Actually, I don't really recall 7:00:15PM</p> <p>16 whether Frank was there or not.</p> <p>17 Q What do you recall of your involvement 7:00:21PM</p> <p>18 in that incident?</p> <p>19 A My involvement? We responded to a 7:00:30PM</p> <p>20 noise complaint.</p> <p>21 Q At a residence in Ocean Beach? 7:00:36PM</p> <p>22 A Yes. 7:00:38PM</p> <p>23 Q At the time that you responded, had 7:00:39PM</p> <p>24 Mr. Prisco been arrested?</p> <p>25 A No. He was arrested afterwards. 7:00:46PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q Was Mr. Prisco, based on your 7:00:48PM</p> <p>3 observation, injured at the time that you</p> <p>4 responded?</p> <p>5 A I don't know if he was -- George broke 7:00:59PM</p> <p>6 his finger. And Prisco, I don't remember if he</p> <p>7 had an injury or not.</p> <p>8 Q George broke George's finger? 7:01:07PM</p> <p>9 A Pinkie. 7:01:09PM</p> <p>10 Q Did George Hesse say anything to you 7:01:09PM</p> <p>11 about how he broke his finger?</p> <p>12 A Arresting Prisco. 7:01:14PM</p> <p>13 Q How did he come to break his -- did he 7:01:15PM</p> <p>14 explain how he came to break his finger in the</p> <p>15 course of arresting Prisco?</p> <p>16 A No. Obviously, in arresting, you 7:01:23PM</p> <p>17 know, I guess he didn't just put his hands</p> <p>18 behind his back.</p> <p>19 Q Did George Hesse say anything to you 7:01:33PM</p> <p>20 about the details of what happened between the</p> <p>21 time that he arrived at the scene and he broke</p> <p>22 his finger?</p> <p>23 A I don't understand the question. 7:01:47PM</p> <p>24 Obviously, they got into a fight to arrest him.</p> <p>25 I don't know what Prisco's injuries are. I</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 236	Page 237
<p>1 PAUL CAROLLO</p> <p>2 don't know for sure that there's a lawsuit.</p> <p>3 MR. NOVIKOFF: Did he witness any 7:01:59PM</p> <p>4 physical altercation between George Hesse</p> <p>5 and Prisco?</p> <p>6 BY MR. GRAFF: 7:02:03PM</p> <p>7 Q Did you witness a physical altercation 7:02:04PM</p> <p>8 between the two of them?</p> <p>9 A Yeah, they arrested him. 7:02:07PM</p> <p>10 Q Were you there when there was that 7:02:09PM</p> <p>11 physical altercation?</p> <p>12 A Yes. 7:02:12PM</p> <p>13 Q What did you witness? 7:02:12PM</p> <p>14 A Prisco resisting and George and Arnie 7:02:14PM</p> <p>15 handcuffing him.</p> <p>16 Q When you arrived at the scene, where 7:02:18PM</p> <p>17 was Mr. Prisco?</p> <p>18 A In his house. 7:02:21PM</p> <p>19 Q Inside of his house? 7:02:22PM</p> <p>20 A Yes. 7:02:23PM</p> <p>21 Q Was George Hesse already present at 7:02:24PM</p> <p>22 the scene at that time?</p> <p>23 A Was George already present? No. 7:02:32PM</p> <p>24 Q Was any officer present when you 7:02:37PM</p> <p>25 arrived?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 A No. 7:02:42PM</p> <p>3 Q Why did you respond -- 7:02:42PM</p> <p>4 A Noise complaint. 7:02:45PM</p> <p>5 Q Do you know who made that complaint? 7:02:47PM</p> <p>6 A No. 7:02:50PM</p> <p>7 Q When you got there, what was the first 7:02:50PM</p> <p>8 thing you did?</p> <p>9 MR. NOVIKOFF: Are we trying the 7:02:55PM</p> <p>10 Prisco case now?</p> <p>11 MR. GRAFF: No. 7:02:59PM</p> <p>12 MR. NOVIKOFF: I understand why you 7:03:00PM</p> <p>13 would want to discuss the Prisco case. I</p> <p>14 don't think it's relevant. But this witness</p> <p>15 has already indicated that he witnessed</p> <p>16 George Hesse and I guess Mr. Hardman trying</p> <p>17 to arrest him, and the other person --</p> <p>18 MR. GRAFF: Right. I just want to get 7:03:15PM</p> <p>19 the events that led up to the physical</p> <p>20 altercation.</p> <p>21 MR. NOVIKOFF: For what purpose? 7:03:19PM</p> <p>22 Fine. I'm sorry.</p> <p>23 BY MR. GRAFF: 7:03:24PM</p> <p>24 Q After you arrived at the scene, what 7:03:26PM</p> <p>25 did you do?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 238</p> <p>1 PAUL CAROLLO</p> <p>2 A Called -- first off, is there a 7:03:31PM</p> <p>3 lawsuit?</p> <p>4 MR. NOVIKOFF: Yeah, there is a 7:03:37PM</p> <p>5 lawsuit. And I don't know if criminal</p> <p>6 charges have been filed either.</p> <p>7 MR. GRAFF: Has Newsday reported that 7:03:42PM</p> <p>8 that's been resolved?</p> <p>9 MR. NOVIKOFF: Newsday isn't the 7:03:45PM</p> <p>10 beacon of all information. You're asking</p> <p>11 this witness to testify about a lawsuit.</p> <p>12 MR. GRAFF: No, I'm not asking him 7:03:51PM</p> <p>13 about the lawsuit.</p> <p>14 MR. NOVIKOFF: There's a lawsuit 7:03:53PM</p> <p>15 involving the village and Prisco. Now</p> <p>16 you're asking him questions that are germane</p> <p>17 to another lawsuit that this witness can or</p> <p>18 cannot be brought into, civilly, perhaps. I</p> <p>19 don't know.</p> <p>20 MR. GRAFF: Ken, I'm going to ask you 7:04:05PM</p> <p>21 to please stop commenting on this.</p> <p>22 MR. NOVIKOFF: All right. I don't 7:04:11PM</p> <p>23 know if there's been any criminal charges</p> <p>24 filed.</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 239</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 7:04:15PM</p> <p>3 Q When you arrived at the scene, what's 7:04:17PM</p> <p>4 the first thing --</p> <p>5 A Am I supposed to stick to what it is 7:04:20PM</p> <p>6 we're here for now?</p> <p>7 Q Can you answer? 7:04:28PM</p> <p>8 A If we're going to go into a whole 7:04:30PM</p> <p>9 other thing. You're going into a whole other</p> <p>10 case.</p> <p>11 Q I don't think we're taking a long 7:04:37PM</p> <p>12 detour into the other case. I just want to know</p> <p>13 what happened when you got there through the</p> <p>14 conclusion of the physical altercation that you</p> <p>15 witnessed.</p> <p>16 MR. NOVIKOFF: That could be an hour 7:04:49PM</p> <p>17 on a matter in which this witness has told</p> <p>18 you what he saw involving George Hesse. I</p> <p>19 get why you'd want to ask him about George</p> <p>20 Hesse, but now you're asking him what his</p> <p>21 involvement was from the beginning of his</p> <p>22 time there to when Hesse showed up. That I</p> <p>23 don't quite understand.</p> <p>24 BY MR. GRAFF: 7:05:07PM</p> <p>25 Q Did you speak to Mr. Prisco before 7:05:08PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 240</p> <p>1 PAUL CAROLLO</p> <p>2 George Hesse arrived?</p> <p>3 A No. 7:05:13PM</p> <p>4 Q Who was the first person to arrive 7:05:19PM</p> <p>5 after you arrived?</p> <p>6 A George. 7:05:23PM</p> <p>7 Q Did you -- 7:05:24PM</p> <p>8 A George and Arnold Hardman. 7:05:27PM</p> <p>9 Q Did they arrive together? 7:05:30PM</p> <p>10 A Yes. 7:05:31PM</p> <p>11 Q Was George your supervisor at that 7:05:31PM</p> <p>12 time?</p> <p>13 A Yes. 7:05:34PM</p> <p>14 Q And what did George do when he got 7:05:35PM</p> <p>15 there?</p> <p>16 A The house was a noise complaint. As 7:05:50PM</p> <p>17 soon as we knocked on the door, all the lights</p> <p>18 went out and we heard people running all over</p> <p>19 the place. I called for assistance, George</p> <p>20 came, knocked on the door. They came to the</p> <p>21 door. They wouldn't open the door. He was</p> <p>22 pushing on the door. They were -- to get in.</p> <p>23 And they were pushing against it, screaming</p> <p>24 Fourth Amendment. And then he finally got</p> <p>25 inside, and then Jesse got -- there were two</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 241</p> <p>1 PAUL CAROLLO</p> <p>2 guys. I don't know who's who. They came out.</p> <p>3 The guy was, I don't know -- he was screaming</p> <p>4 Fourth Amendment. George and Arnie went down --</p> <p>5 he was trying to arrest him. The guy's like a</p> <p>6 bodybuilder. And they got tangled trying to</p> <p>7 handcuff him to arrest him.</p> <p>8 Q Did that altercation happen inside the 7:06:50PM</p> <p>9 house?</p> <p>10 A Outside. 7:06:52PM</p> <p>11 Q Where were you standing when you 7:06:54PM</p> <p>12 observed that?</p> <p>13 A There was a group of people trying to 7:06:58PM</p> <p>14 get in the middle of it. I actually had my back</p> <p>15 to most of it because there were three or four</p> <p>16 people that were trying to get into the middle</p> <p>17 of the whole thing.</p> <p>18 Q Three or four people that had been 7:07:09PM</p> <p>19 inside the house?</p> <p>20 A They were outside. 7:07:12PM</p> <p>21 Q I understand George was pushing on the 7:07:14PM</p> <p>22 door. How did the people come to be outside the</p> <p>23 house?</p> <p>24 MR. CONNOLLY: Objection. 7:07:23PM</p> <p>25 MR. NOVIKOFF: How did the people come 7:07:24PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 242</p> <p>1 PAUL CAROLLO</p> <p>2 to be outside the house when this witness</p> <p>3 was inside the house?</p> <p>4 BY MR. GRAFF: 7:07:28PM</p> <p>5 Q Were you outside the house? 7:07:29PM</p> <p>6 A He eventually got in the house, yeah. 7:07:31PM</p> <p>7 Q Where were you when you saw George got 7:07:31PM</p> <p>8 in the house?</p> <p>9 A Outside. 7:07:33PM</p> <p>10 Q And did you see Mr. Prisco exit the 7:07:35PM</p> <p>11 house?</p> <p>12 A No. 7:07:43PM</p> <p>13 Q At what point did you become aware 7:07:47PM</p> <p>14 that Mr. Prisco was no longer in the house?</p> <p>15 A I guess when they were all outside. 7:07:53PM</p> <p>16 MR. NOVIKOFF: This is your version of 7:07:55PM</p> <p>17 a short detour? I suggest it's now 7:15,</p> <p>18 that when you're done with your questioning,</p> <p>19 you haven't eaten since 12, nor have I, that</p> <p>20 we take a 45 minute dinner break and we</p> <p>21 reconvene at 8:00. Because I'm not going</p> <p>22 to -- this is ridiculous. Continue. Take</p> <p>23 as much time as you want.</p> <p>24 BY MR. GRAFF: 7:08:21PM</p> <p>25 Q At what point did you become aware 7:08:26PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 243</p> <p>1 PAUL CAROLLO</p> <p>2 that he was outside of the house?</p> <p>3 A We're outside, they're all outside. 7:08:32PM</p> <p>4 Q But you didn't see him leave the 7:08:34PM</p> <p>5 house?</p> <p>6 MR. NOVIKOFF: Objection. Form. 7:08:40PM</p> <p>7 A I can't say exactly at what point he 7:08:43PM</p> <p>8 came out of the house.</p> <p>9 Q In your experience as a police 7:08:47PM</p> <p>10 officer, based on your observations, did any</p> <p>11 police officers behave, in your opinion,</p> <p>12 inappropriately in that situation?</p> <p>13 MR. NOVIKOFF: Objection. 7:08:59PM</p> <p>14 A No, I don't think so. It was chaotic. 7:09:02PM</p> <p>15 It was chaotic.</p> <p>16 MR. GRAFF: I think I'm done. And I 7:09:14PM</p> <p>17 thank you for your time and your patience</p> <p>18 with the questions today.</p> <p>19 EXAMINATION 7:09:21PM</p> <p>20 BY MR. CONNOLLY: 7:09:28PM</p> <p>21 Q Mr. Carollo, earlier, I believe you 7:09:31PM</p> <p>22 indicated that you hadn't spoken to any of the</p> <p>23 plaintiffs since 2006; would that be correct?</p> <p>24 A I believe so. 7:09:39PM</p> <p>25 Q And would that be since April of 2006? 7:09:42PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 244</p> <p>1 PAUL CAROLLO</p> <p>2 A Yeah. 7:09:54PM</p> <p>3 Q So it would be fair to say that you 7:09:55PM</p> <p>4 hadn't spoken to any of the plaintiffs since the</p> <p>5 meeting of April 2nd -- April 4th, 2006? The</p> <p>6 annual meeting that occurred in April 2006?</p> <p>7 A Yeah. 7:10:15PM</p> <p>8 Q Earlier, you indicated that an 7:10:32PM</p> <p>9 attorney you had consulted within regard to this</p> <p>10 deposition had provided you with a complaint; is</p> <p>11 that correct?</p> <p>12 A Yes. 7:10:41PM</p> <p>13 Q Did that attorney ever tell you how 7:10:41PM</p> <p>14 they obtained the complaint?</p> <p>15 A I believe he got it off of the 7:10:46PM</p> <p>16 CourtNet type thing. I don't know.</p> <p>17 Q I want to draw your attention to the 7:10:58PM</p> <p>18 allegations contained in the complaint,</p> <p>19 paragraphs 53 through, I believe 56. That was</p> <p>20 the incident that you responded to regarding an</p> <p>21 apartment?</p> <p>22 A Say that again. 7:11:21PM</p> <p>23 Q If you could make reference to the 7:11:22PM</p> <p>24 complaint.</p> <p>25 A Okay. 7:11:30PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 245</p> <p>1 PAUL CAROLLO</p> <p>2 Q And I believe earlier you indicated 7:11:35PM</p> <p>3 there were youths in the apartment?</p> <p>4 A Yes. 7:11:39PM</p> <p>5 Q Did anybody ask for identification of 7:11:39PM</p> <p>6 the youths in the apartment?</p> <p>7 A I don't remember. 7:11:45PM</p> <p>8 Q Did any of the youths present in the 7:11:52PM</p> <p>9 apartment acknowledge ownership of the drug</p> <p>10 paraphernalia?</p> <p>11 A Probably not. I don't remember. 7:12:06PM</p> <p>12 MR. CONNOLLY: No further questions. 7:12:16PM</p> <p>13 Thank you.</p> <p>14 EXAMINATION 7:12:17PM</p> <p>15 BY MR. NOVIKOFF: 7:12:30PM</p> <p>16 Q You talked about Southampton. Did 7:12:38PM</p> <p>17 George Hesse ever tell you in words that he gave</p> <p>18 the person who was applying for a job a bad</p> <p>19 recommendation or a bad reference?</p> <p>20 A Did he -- did he give -- did he tell 7:12:57PM</p> <p>21 me specifically what he said?</p> <p>22 Q No. Did he specifically tell you that 7:13:02PM</p> <p>23 he was giving whoever was applying for that job</p> <p>24 a bad reference?</p> <p>25 MR. GRAFF: Objection. 7:13:09PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 246</p> <p>1 PAUL CAROLLO</p> <p>2 MR. NOVIKOFF: What's the basis? 7:13:11PM</p> <p>3 MR. GRAFF: Did he say those direct 7:13:13PM</p> <p>4 words?</p> <p>5 MR. NOVIKOFF: Yes. 7:13:15PM</p> <p>6 BY MR. NOVIKOFF: 7:13:15PM</p> <p>7 Q Did he say to you, yes, I'm going to 7:13:17PM</p> <p>8 give so and so a bad reference?</p> <p>9 A I think it was more that he couldn't 7:13:27PM</p> <p>10 believe that they're applying to Southampton.</p> <p>11 He certainly indicated he wasn't giving a good</p> <p>12 one.</p> <p>13 Q How did he indicate that? 7:13:40PM</p> <p>14 A It was just the gist of the 7:13:43PM</p> <p>15 conversation.</p> <p>16 Q Tell me about the gist. What 7:13:45PM</p> <p>17 specifically did he say that led you -- if</p> <p>18 anything, that lead you to believe that he was</p> <p>19 not going to give them a good reference?</p> <p>20 A I got a call from Southampton. I 7:13:56PM</p> <p>21 guess they were looking for a job there. I</p> <p>22 don't remember specifics.</p> <p>23 Q So as you sit here today, you don't 7:14:12PM</p> <p>24 know -- you can't recall specifically what he</p> <p>25 said?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 247</p> <p>1 PAUL CAROLLO</p> <p>2 A Specifically, no. 7:14:17PM</p> <p>3 Q So you don't know as you sit here 7:14:19PM</p> <p>4 today if George Hesse told you specifically he</p> <p>5 was going to give them a bad reference, a good</p> <p>6 reference or a neutral reference?</p> <p>7 MR. GRAFF: Objection. 7:14:29PM</p> <p>8 A Yes. 7:14:29PM</p> <p>9 Q That's true? Your answer was yes? 7:14:31PM</p> <p>10 A Say the question again. 7:14:34PM</p> <p>11 Q You can't tell us as you sit here 7:14:36PM</p> <p>12 today whether George Hesse specifically told you</p> <p>13 he was going to give a good reference, a bad</p> <p>14 reference or a neutral reference with regard to</p> <p>15 Southampton?</p> <p>16 MR. GRAFF: Objection. 7:14:47PM</p> <p>17 A Exactly what he said to Southampton, I 7:14:47PM</p> <p>18 don't know.</p> <p>19 Q No. I know you don't know what he 7:14:50PM</p> <p>20 said to Southampton unless George told you.</p> <p>21 Specifically, sir, you had a 7:14:56PM</p> <p>22 conversation with Mr. Hesse concerning one or</p> <p>23 more of the plaintiffs applying for a job at the</p> <p>24 Southampton police department, correct?</p> <p>25 A Yes. 7:15:05PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 248</p> <p>1 PAUL CAROLLO</p> <p>2 Q And you can't recall specifically as 7:15:06PM</p> <p>3 you sit here today whether George Hesse said he</p> <p>4 was going to give a bad reference, can you?</p> <p>5 A No. 7:15:14PM</p> <p>6 Q And you can't recall as you sit here 7:15:14PM</p> <p>7 today whether George Hesse said he was going to</p> <p>8 give them a good reference, correct?</p> <p>9 MR. GRAFF: Objection. 7:15:21PM</p> <p>10 A I think he indicated it probably 7:15:26PM</p> <p>11 wasn't going to be good. Nothing specific.</p> <p>12 Q In fact, you can't recall anything 7:15:31PM</p> <p>13 specifically Mr. Hesse said to you during that</p> <p>14 conversation concerning what reference he would</p> <p>15 be giving to them, can you?</p> <p>16 MR. GRAFF: Objection. 7:15:40PM</p> <p>17 MR. NOVIKOFF: Basis? 7:15:41PM</p> <p>18 MR. GRAFF: He doesn't recall. I 7:15:46PM</p> <p>19 believe you're mischaracterizing the</p> <p>20 testimony.</p> <p>21 MR. NOVIKOFF: Okay. If you want to 7:15:51PM</p> <p>22 read that question back.</p> <p>23 (Whereupon, the requested portion was 7:15:53PM</p> <p>24 read back by the court reporter: In fact,</p> <p>25 you can't recall anything specifically</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 249</p> <p>1 PAUL CAROLLO</p> <p>2 Mr. Hesse said to you during that</p> <p>3 conversation concerning what reference he</p> <p>4 would be giving to them, can you?)</p> <p>5 A No. 7:16:05PM</p> <p>6 Q Did Mr. Hesse ever indicate to you 7:16:25PM</p> <p>7 with regard to the Halloween incident that it</p> <p>8 was his intent to cover up any aspect of the</p> <p>9 events of that evening?</p> <p>10 A No. 7:16:36PM</p> <p>11 Q Did Chief Paradiso ever advise you 7:16:39PM</p> <p>12 that it was the department's intent that the</p> <p>13 department would be covering up any aspect of</p> <p>14 the incident of the Halloween evening?</p> <p>15 A No. 7:16:51PM</p> <p>16 Q Did Frank Fiorillo ever complain to 7:16:56PM</p> <p>17 you at any point in time before April of 2006</p> <p>18 that he believed that George Hesse had covered</p> <p>19 up any aspect of the evening of the Halloween</p> <p>20 incident?</p> <p>21 A I don't think we ever had a 7:17:16PM</p> <p>22 conversation about it.</p> <p>23 Q How about Tom Snyder, did he ever 7:17:18PM</p> <p>24 advise you prior to April of 2006 that, in his</p> <p>25 opinion, George Hesse engaged in a coverup</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 250</p> <p>1 PAUL CAROLLO</p> <p>2 concerning the events that took place on</p> <p>3 Halloween 2004?</p> <p>4 A No. 7:17:35PM</p> <p>5 Q Same question with regard to Kevin 7:17:36PM</p> <p>6 Lamm.</p> <p>7 A I don't remember any conversation. 7:17:38PM</p> <p>8 Q Did you ever witness George Hesse ever 7:17:42PM</p> <p>9 instruct a police officer not to issue a summons</p> <p>10 because a person was his friend?</p> <p>11 A I can't say -- I don't recall him ever 7:18:02PM</p> <p>12 saying it to me, and I certainly can't say what</p> <p>13 he said to anybody else.</p> <p>14 Q Unless I ask it differently, it's 7:18:08PM</p> <p>15 always about what George Hesse said to you.</p> <p>16 A No. 7:18:12PM</p> <p>17 Q Let me rephrase the question. 7:18:13PM</p> <p>18 Did George Hesse, in your presence, 7:18:15PM</p> <p>19 did you ever -- do you ever recall George Hesse</p> <p>20 stating that someone not get a summons because</p> <p>21 he or she is his friend?</p> <p>22 A No. 7:18:31PM</p> <p>23 Q Did Frank Fiorillo ever complain to 7:18:32PM</p> <p>24 you -- withdrawn.</p> <p>25 Did Frank Fiorillo ever comment to you 7:18:36PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 251</p> <p>1 PAUL CAROLLO</p> <p>2 that George Hesse was not giving out summonses</p> <p>3 to his friends?</p> <p>4 A Did Frank ever comment to me -- 7:18:51PM</p> <p>5 Q Yeah. 7:18:53PM</p> <p>6 A -- that George wasn't giving -- I 7:18:54PM</p> <p>7 don't think so.</p> <p>8 Q How about Tom Snyder? 7:19:01PM</p> <p>9 A I hardly ever conversed with him. 7:19:05PM</p> <p>10 Q Okay. How about Kevin Lamm? 7:19:08PM</p> <p>11 A No. 7:19:14PM</p> <p>12 Q Ed Carter? 7:19:14PM</p> <p>13 A No. 7:19:16PM</p> <p>14 Q Joe Nofi? 7:19:18PM</p> <p>15 A No. 7:19:19PM</p> <p>16 Q Did Frank Fiorillo ever complain to 7:19:26PM</p> <p>17 you about anything involving how George Hesse</p> <p>18 conducted himself as a sergeant for the police</p> <p>19 department?</p> <p>20 A I don't think he complained. I think 7:19:48PM</p> <p>21 that -- I don't think they were on the same</p> <p>22 wavelength.</p> <p>23 Q Okay. 7:19:56PM</p> <p>24 A So I think Frank had his opinion and 7:19:58PM</p> <p>25 George had his. I don't know that it was --</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 252</p> <p>1 PAUL CAROLLO</p> <p>2 there are different ways of --</p> <p>3 Q Let me make it more broad. Did Frank 7:20:09PM</p> <p>4 Fiorillo ever complain to you about George</p> <p>5 Hesse?</p> <p>6 A I think that he probably has let me 7:20:25PM</p> <p>7 know at times that he wasn't satisfied with the</p> <p>8 way -- he had his way of doing things and George</p> <p>9 had his way. I can't say something specific. I</p> <p>10 mean, I think that it's kind of known he had his</p> <p>11 opinion, George had his. He never voiced or I</p> <p>12 never knew his thoughts on things.</p> <p>13 Q His opinion regarding what? 7:20:49PM</p> <p>14 A No, there was probably no complaint 7:21:20PM</p> <p>15 about anything specific.</p> <p>16 Q You said they had differing opinions, 7:21:23PM</p> <p>17 Frank had his opinion and George had his</p> <p>18 opinion.</p> <p>19 A Frank liked to write a lot of tickets, 7:21:31PM</p> <p>20 and George probably felt it wasn't necessary to</p> <p>21 write so many tickets.</p> <p>22 Q Can you specifically remember any 7:21:37PM</p> <p>23 complaint that Frank Fiorillo ever made to you</p> <p>24 about George Hesse, about anything other than</p> <p>25 summonses being written?</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 253</p> <p>1 PAUL CAROLLO</p> <p>2 A No. 7:21:46PM</p> <p>3 Q Same question with regard to Kevin 7:21:47PM</p> <p>4 Lamm. Did Kevin Lamm ever complain to you about</p> <p>5 anything relating to George Hesse?</p> <p>6 A Specifically, can I remember anything? 7:21:59PM</p> <p>7 No.</p> <p>8 Q Well, generally. 7:22:01PM</p> <p>9 A I mean, generally, I know that they 7:22:02PM</p> <p>10 had differences of opinion. I can't say I</p> <p>11 remember them saying this that or the other</p> <p>12 thing.</p> <p>13 Q When you say they had differing 7:22:12PM</p> <p>14 opinions, what were the differing opinions?</p> <p>15 A You know, it's just kind of talk. 7:22:16PM</p> <p>16 Q What do you mean by talk? 7:22:20PM</p> <p>17 A General conversation. That's why I 7:22:22PM</p> <p>18 don't remember specifics.</p> <p>19 Q So you think Kevin thought that 7:22:27PM</p> <p>20 Mr. Lamm thought -- withdrawn.</p> <p>21 I need you to even say generally. 7:22:34PM</p> <p>22 A Kevin probably felt he should handcuff 7:22:37PM</p> <p>23 people and bring them back to the station.</p> <p>24 Q So the issue you spoke of earlier, you 7:22:41PM</p> <p>25 believe that was a differing opinion that Kevin</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

Page 254	Page 255
<p>1 PAUL CAROLLO</p> <p>2 had as opposed to George?</p> <p>3 A Yes. 7:22:48PM</p> <p>4 Q Did Ed Carter ever complain to you 7:22:50PM</p> <p>5 about anything concerning George Hesse?</p> <p>6 A No. 7:22:54PM</p> <p>7 Q Did Tom Snyder ever complain to you 7:22:55PM</p> <p>8 about anything concerning George Hesse?</p> <p>9 A No. 7:23:00PM</p> <p>10 Q How about Joe Nofi? 7:23:00PM</p> <p>11 A No. 7:23:02PM</p> <p>12 Q Did George Hesse ever advise you that 7:23:05PM</p> <p>13 he had heard that Frank Fiorillo had been making</p> <p>14 complaints about him?</p> <p>15 A Complaints to where? 7:23:18PM</p> <p>16 Q To him. Let me rephrase the question. 7:23:19PM</p> <p>17 Did George Hesse ever advise you that 7:23:23PM</p> <p>18 Frank Fiorillo was complaining to him about</p> <p>19 anything?</p> <p>20 A Specifics? 7:23:44PM</p> <p>21 Q If you recall anything. 7:23:46PM</p> <p>22 A I don't recall any specifics. 7:23:49PM</p> <p>23 Q How about general? 7:23:51PM</p> <p>24 A I mean, general, I guess. I don't 7:23:52PM</p> <p>25 think I ever had -- you know. I very rarely had</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 real personal conversations with George.</p> <p>3 Q Okay. 7:24:02PM</p> <p>4 A So anything -- most everything -- 7:24:02PM</p> <p>5 anything that I see or hear is more from a</p> <p>6 general conversation. I don't think George</p> <p>7 sat -- I probably never spent all that much time</p> <p>8 alone with George in the first place.</p> <p>9 Q So are you telling us that any 7:24:15PM</p> <p>10 conversation -- anything you would've heard from</p> <p>11 George would've been not one on one but George</p> <p>12 saying it to a group of people?</p> <p>13 A Probably. Yeah. 7:24:23PM</p> <p>14 Q Then let me break that down. Did you 7:24:25PM</p> <p>15 ever hear George Hesse ever say that Frank</p> <p>16 Fiorillo was complaining to him about anything?</p> <p>17 MR. GRAFF: Objection. 7:24:38PM</p> <p>18 A Yeah, I would say that -- I can't 7:24:49PM</p> <p>19 remember a specific -- yeah, I would say that</p> <p>20 George probably heard somewhere along the line</p> <p>21 that Frank complained about things. What they</p> <p>22 are specifically, I don't know.</p> <p>23 Q How about with regard to Kevin Lamm, 7:25:02PM</p> <p>24 were you ever in George's presence when he made</p> <p>25 reference to a complaint that Kevin Lamm made to</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 256	Page 257
<p>1 PAUL CAROLLO</p> <p>2 him?</p> <p>3 A Kevin, no. I mean it was the thing 7:25:14PM</p> <p>4 with the handcuffing is about all I can</p> <p>5 remember.</p> <p>6 Q Same question with regard to Nofi. 7:25:20PM</p> <p>7 A No. 7:25:26PM</p> <p>8 Q Same question with regard to Carter. 7:25:27PM</p> <p>9 A No. 7:25:31PM</p> <p>10 Q Same question with regard to Snyder? 7:25:32PM</p> <p>11 A No. 7:25:34PM</p> <p>12 Q Let's talk about Joe Nofi for a 7:25:35PM</p> <p>13 minute. You were trying to articulate when</p> <p>14 Mr. Graff was asking you some questions about</p> <p>15 what issues certain officers had. Did he have a</p> <p>16 reputation of being stupid?</p> <p>17 MR. GRAFF: Objection. 7:25:46PM</p> <p>18 A I don't know if I would use the word 7:25:55PM</p> <p>19 stupid. There is a difference. Dopey.</p> <p>20 Q Okay. What do you mean by dopey? 7:25:59PM</p> <p>21 A I don't mean anything. I'm talking 7:26:01PM</p> <p>22 about what you're asking me about a reputation.</p> <p>23 I choose not to have much of a thought process</p> <p>24 on a lot of people. It's easier. If you're</p> <p>25 asking me what others would indicate or what</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 others felt or -- you know, dopey. I'd use the</p> <p>3 word dopey as opposed to stupid.</p> <p>4 Q Why would you use the word dopey as 7:26:22PM</p> <p>5 opposed to stupid?</p> <p>6 A I think you can be -- I think the word 7:26:27PM</p> <p>7 stupid means you don't know. Dopey can just be</p> <p>8 dizzy dopey.</p> <p>9 Q What makes you think that his 7:26:39PM</p> <p>10 reputation was that of being dopey?</p> <p>11 A Just from what I gather in 7:26:43PM</p> <p>12 conversations.</p> <p>13 Q Which was what? 7:26:47PM</p> <p>14 A I guess people were saying he was 7:26:52PM</p> <p>15 dopey.</p> <p>16 Q Did you ever learn of any examples of 7:26:54PM</p> <p>17 his dopiness?</p> <p>18 A No. 7:26:59PM</p> <p>19 Q Other than the swinging his legs out 7:27:00PM</p> <p>20 of the car?</p> <p>21 A Yeah. 7:27:03PM</p> <p>22 Q That was the only -- 7:27:04PM</p> <p>23 A That was my only personal contact. 7:27:05PM</p> <p>24 Q You indicated in response to a 7:27:25PM</p> <p>25 question from Mr. Graff that you tried to stay</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 258</p> <p>1 PAUL CAROLLO</p> <p>2 out of the barracks; do you recall that?</p> <p>3 A Yes. 7:27:32PM</p> <p>4 Q Why? 7:27:33PM</p> <p>5 A Same way I try to stay out of the crew 7:27:43PM</p> <p>6 room at work. Just better off being away from</p> <p>7 the masses.</p> <p>8 Q And I understand that. But what's the 7:27:49PM</p> <p>9 reason behind that?</p> <p>10 A Just that. 7:27:51PM</p> <p>11 Q What's that? 7:27:53PM</p> <p>12 A Just that. 7:27:53PM</p> <p>13 Q Is there a reason for why you want to 7:27:56PM</p> <p>14 stay away from the masses?</p> <p>15 A Because you get less involved in all 7:28:00PM</p> <p>16 the crap.</p> <p>17 Q How often would you work with -- let's 7:28:11PM</p> <p>18 take 2005. How often would you work with Ed</p> <p>19 Carter -- how often did you work with Ed Carter</p> <p>20 in 2005?</p> <p>21 MR. GRAFF: Just to clarify, are you 7:28:25PM</p> <p>22 asking about the summer?</p> <p>23 MR. NOVIKOFF: Yeah, I'm only asking 7:28:28PM</p> <p>24 about the summer, the season.</p> <p>25 A I can't remember ever -- no, I really 7:28:33PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 259</p> <p>1 PAUL CAROLLO</p> <p>2 can't remember any specific time working</p> <p>3 partners with or with Ed.</p> <p>4 Q Right. Let me rephrase the question. 7:28:42PM</p> <p>5 There may have been times when you 7:28:44PM</p> <p>6 were on the same tour, correct, or your tours</p> <p>7 intermixed?</p> <p>8 A Yes. 7:28:52PM</p> <p>9 Q And so my question is more specific. 7:28:57PM</p> <p>10 In 2005, let's start again with Carter, how many</p> <p>11 times did you spend any part of the tour</p> <p>12 patrolling Ocean Beach side by side with Ed</p> <p>13 Carter?</p> <p>14 A I personally can't remember any. 7:29:15PM</p> <p>15 Q How about Snyder? 7:29:17PM</p> <p>16 A Side by side, I kind of vaguely 7:29:19PM</p> <p>17 remember running into Snyder now and then on the</p> <p>18 street. But I don't know that I worked side by</p> <p>19 side. I don't think I ever worked side by side.</p> <p>20 Q How about Lamm? 7:29:33PM</p> <p>21 A Kevin I worked a little bit more. 7:29:34PM</p> <p>22 Q When you say a little more? 7:29:36PM</p> <p>23 A I can remember standing on a corner 7:29:37PM</p> <p>24 with Kevin.</p> <p>25 Q More than 10 times that season? 7:29:40PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 260</p> <p>1 PAUL CAROLLO</p> <p>2 A I would say more than 10. 7:29:43PM</p> <p>3 Q So somewhere between five and 10? 7:29:45PM</p> <p>4 A Closer to five, yes. 7:29:49PM</p> <p>5 MR. GRAFF: These questions are still 7:29:51PM</p> <p>6 summer '05?</p> <p>7 MR. NOVIKOFF: Yeah. 7:29:54PM</p> <p>8 BY MR. NOVIKOFF: 7:29:54PM</p> <p>9 Q How about Nofi, summer '05, side by 7:29:55PM</p> <p>10 side on the tour together?</p> <p>11 A I don't think Nofi worked at night. I 7:30:00PM</p> <p>12 think he only worked Sundays on 4 to 12.</p> <p>13 Q So the answer would be? 7:30:05PM</p> <p>14 A No. 7:30:07PM</p> <p>15 Q How about Fiorillo? 7:30:08PM</p> <p>16 A Frank I worked with a fair amount of 7:30:10PM</p> <p>17 times. Probably not much more than Kevin. They</p> <p>18 actually worked together a lot.</p> <p>19 Q Between five and 10? 7:30:17PM</p> <p>20 A Yeah. 7:30:19PM</p> <p>21 Q How about 2004, same question. 7:30:19PM</p> <p>22 A Same, yes. 7:30:21PM</p> <p>23 Q 2003? 7:30:22PM</p> <p>24 A I wasn't there. 7:30:23PM</p> <p>25 Q And 2006, they weren't there? 7:30:24PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 261</p> <p>1 PAUL CAROLLO</p> <p>2 A Right. 7:30:26PM</p> <p>3 Q So if I understand your testimony 7:30:27PM</p> <p>4 correctly, for the two seasons that you -- for</p> <p>5 the 2004 and 2005 seasons, you didn't tour side</p> <p>6 by side with Carter at all or Nofi at all,</p> <p>7 correct?</p> <p>8 A Pretty much, yeah. 7:30:47PM</p> <p>9 Q And for the 2004, 2005 seasons, if you 7:30:48PM</p> <p>10 toured at all with Snyder, it would've been just</p> <p>11 a few times?</p> <p>12 A Yes. 7:30:55PM</p> <p>13 Q And for those two seasons, you toured 7:30:55PM</p> <p>14 side by side with Fiorillo anywhere between 10</p> <p>15 times and 20 times in those two seasons</p> <p>16 combined?</p> <p>17 A I guess so. 7:31:09PM</p> <p>18 Q And the same amount of time would be 7:31:09PM</p> <p>19 applicable to Lamm?</p> <p>20 A Yeah. 7:31:14PM</p> <p>21 Q Now, did you tell Mr. Hesse that 7:31:21PM</p> <p>22 Snyder was not interested in helping you with</p> <p>23 that arrest on that one occasion you testified</p> <p>24 to?</p> <p>25 MR. GRAFF: Objection. 7:31:27PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 262	Page 263
<p>1 PAUL CAROLLO</p> <p>2 A No. 7:31:28PM</p> <p>3 Q Now, let's go to the events of -- I 7:31:36PM</p> <p>4 guess April 2nd was that annual meeting. You</p> <p>5 testified that you thought that George thought</p> <p>6 it was funny that the four of the plaintiffs</p> <p>7 that were there that day were fired. Do you</p> <p>8 recall that?</p> <p>9 A Yes. 7:31:51PM</p> <p>10 Q What is the basis for your belief that 7:31:52PM</p> <p>11 George Hesse thought it was funny?</p> <p>12 A That everybody was laughing. 7:31:59PM</p> <p>13 Q Okay. But was George laughing? 7:32:01PM</p> <p>14 A Yeah. 7:32:04PM</p> <p>15 Q Do you know what George -- were you 7:32:06PM</p> <p>16 present when George was laughing or did you</p> <p>17 witness from a distance that George was</p> <p>18 laughing?</p> <p>19 MR. GRAFF: Objection. 7:32:13PM</p> <p>20 A Was I personally standing next to him, 7:32:16PM</p> <p>21 no. Was I in the room, yeah.</p> <p>22 Q Do you know what the conversation 7:32:20PM</p> <p>23 was -- did you hear the conversation where you</p> <p>24 saw George Hesse laughing?</p> <p>25 MR. GRAFF: Objection. 7:32:29PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 A I don't think there was any real 7:32:33PM</p> <p>3 conversation about it. Everyone was just kind</p> <p>4 of laughing about it.</p> <p>5 Q How long were they laughing about it? 7:32:38PM</p> <p>6 A Less than 10 minutes. 7:32:40PM</p> <p>7 Q Now we're only talking about George 7:32:42PM</p> <p>8 Hesse. You saw George Hesse, on April 2nd --</p> <p>9 A The whole thing would've gone on less 7:32:48PM</p> <p>10 than 10 minutes. I know you want to</p> <p>11 specifically -- it was in a group.</p> <p>12 Q I understand. George was part of a 7:32:55PM</p> <p>13 group of people, right?</p> <p>14 A Right. 7:32:58PM</p> <p>15 Q And you saw from some type of 7:32:58PM</p> <p>16 distance -- were you part of that group?</p> <p>17 A Laughing, no. 7:33:03PM</p> <p>18 Q And were you in the group of the 7:33:04PM</p> <p>19 people laughing?</p> <p>20 A It was, I don't know, 25 people maybe, 7:33:10PM</p> <p>21 whatever the amount was.</p> <p>22 Q Were they all in one circle, like you 7:33:14PM</p> <p>23 would be at a campsite?</p> <p>24 A A room, you know, maybe twice the size 7:33:19PM</p> <p>25 of this room.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 264	Page 265
<p>1 PAUL CAROLLO</p> <p>2 Q So people were milling around, 7:33:23PM</p> <p>3 correct?</p> <p>4 A Yes. 7:33:25PM</p> <p>5 MR. GRAFF: Objection. Could we just 7:33:25PM</p> <p>6 clarify the size of the room?</p> <p>7 MR. NOVIKOFF: I think he just said 7:33:30PM</p> <p>8 the size of this room.</p> <p>9 A It's probably 14 feet wide, so it's 7:33:37PM</p> <p>10 a -- no, 28 feet wide, that room. I'm going to</p> <p>11 say that place was 30 by 40.</p> <p>12 Q So a 30-by-40 room. There were about 7:33:51PM</p> <p>13 25, 30 people there. Were they in separate</p> <p>14 groups during that 10-minute period that you saw</p> <p>15 people laughing?</p> <p>16 A No. Everybody was just, you know -- 7:34:02PM</p> <p>17 Q Milling around? 7:34:05PM</p> <p>18 A Yeah. 7:34:06PM</p> <p>19 Q Like at a cocktail party? 7:34:06PM</p> <p>20 A Exactly. Yes. 7:34:08PM</p> <p>21 Q And were you present during any part 7:34:10PM</p> <p>22 of a conversation wherein you saw George Hesse</p> <p>23 laughing?</p> <p>24 MR. GRAFF: Objection. 7:34:18PM</p> <p>25 A Was I part of the conversation, no. 7:34:20PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q And you can't tell us as you sit here 7:34:21PM</p> <p>3 today what George Hesse was talking about with</p> <p>4 anybody else when he was laughing, can you?</p> <p>5 MR. GRAFF: Objection. 7:34:30PM</p> <p>6 A Specific conversation with somebody 7:34:35PM</p> <p>7 else as opposed to the whole room?</p> <p>8 Q Right. 7:34:38PM</p> <p>9 A I know what the gist was about. 7:34:42PM</p> <p>10 Q You think you know what the gist was 7:34:43PM</p> <p>11 about. My question is, where George Hesse was</p> <p>12 standing when he was laughing, according to your</p> <p>13 testimony, you can't tell us what the</p> <p>14 conversation was about?</p> <p>15 MR. GRAFF: Objection. 7:34:54PM</p> <p>16 BY MR. NOVIKOFF: 7:34:54PM</p> <p>17 Q Because you didn't hear the 7:34:56PM</p> <p>18 conversation, correct?</p> <p>19 MR. GRAFF: Objection. 7:34:58PM</p> <p>20 A I don't think it really was a 7:35:01PM</p> <p>21 conversation.</p> <p>22 Q Then was George Hesse just smiling for 7:35:04PM</p> <p>23 10 minutes?</p> <p>24 MR. GRAFF: Objection. 7:35:07PM</p> <p>25 A There was laughter in the group. 7:35:11PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 266

1 PAUL CAROLLO

2 **Q Could it be because he was happy to 7:35:13PM**

3 **see a number of those police officers who he**

4 **hadn't seen in many months?**

5 MR. GRAFF: Objection. 7:35:20PM

6 A No, it wasn't that. I said when they 7:35:23PM

7 all walked off, everybody was laughing, that's

8 it.

9 **Q Where was George Hesse when they all 7:35:41PM**

10 **walked off?**

11 MR. GRAFF: Objection. 7:35:44PM

12 MR. NOVIKOFF: What's the basis of 7:35:45PM

13 that one?

14 MR. GRAFF: I don't understand what 7:35:47PM

15 you're asking.

16 MR. NOVIKOFF: He said when they 7:35:48PM

17 walked off, they were all laughing. Based

18 upon his prior testimony, he's referring to

19 when the four plaintiffs left to go to the

20 water taxi, everyone else in the room was

21 laughing.

22 BY MR. NOVIKOFF: 7:36:02PM

23 **Q Am I correct? 7:36:03PM**

24 A Outside, yeah. 7:36:04PM

25 **Q Where was George Hesse? 7:36:05PM**

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Page 268

1 PAUL CAROLLO

2 A Yes. 7:37:01PM

3 **Q And then presumably when the 7:37:02PM**

4 **conversation was done, the person would leave**

5 **the room, right, and another person would come**

6 **in and talk to George?**

7 MR. GRAFF: Objection. 7:37:14PM

8 A I'm trying to think if they were 7:37:27PM

9 outside individually or not or if they remained

10 in the room.

11 **Q "They" being whom? 7:37:31PM**

12 A The four of them. 7:37:33PM

13 **Q Let me ask you this: Did each of the 7:37:38PM**

14 **plaintiffs that were there that day go into that**

15 **room separately or did they go in as a group?**

16 MR. GRAFF: Objection. 7:37:48PM

17 MR. NOVIKOFF: What is the basis? 7:37:49PM

18 MR. GRAFF: Asked and answered. 7:37:51PM

19 MR. NOVIKOFF: No. Maybe by you, not 7:37:52PM

20 by me.

21 A I'm sorry? 7:37:59PM

22 **Q Did you see any of them go into the 7:38:02PM**

23 **room?**

24 A The only real picture I have is the 7:38:05PM

25 four of them walking off.

TSG Reporting - Worldwide (877) 702-9580

Page 267

1 PAUL CAROLLO

2 A Outside. 7:36:06PM

3 **Q But didn't George Hesse talk to each 7:36:08PM**

4 **one of you in a private room?**

5 A Each one -- he came out with them. 7:36:14PM

6 **Q He came out with each one of them? 7:36:18PM**

7 A No. I'm very unclear about that. 7:36:20PM

8 **Q That's what I'm asking you. Again, 7:36:23PM**

9 **I'm not trying to trip you up. But Mr. Graff**

10 **asked you some questions, and he let some things**

11 **hang out there without following up.**

12 A Okay. 7:36:34PM

13 **Q So during this annual meeting in April 7:36:35PM**

14 **of 2006, George Hesse would meet with various**

15 **officers, various people who were told to come**

16 **to that meeting in a private room, right?**

17 MR. GRAFF: Objection. 7:36:48PM

18 BY MR. NOVIKOFF: 7:36:49PM

19 **Q Is that correct? 7:36:49PM**

20 MR. GRAFF: Objection. 7:36:51PM

21 A Ask me again. 7:36:51PM

22 **Q George Hesse would have conversations 7:36:53PM**

23 **with various individuals in a private room,**

24 **correct?**

25 MR. GRAFF: Objection. 7:36:58PM

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Page 269

1 PAUL CAROLLO

2 **Q Here is my question. Did you ever see 7:38:09PM**

3 **them walk into the room to speak with Mr. Hesse?**

4 A No. 7:38:15PM

5 **Q Did you ever see them walk out of the 7:38:16PM**

6 **room after speaking with Mr. Hesse?**

7 A I can't recall. 7:38:31PM

8 **Q Okay. 7:38:34PM**

9 A The only picture I have is them 7:38:34PM

10 walking off.

11 **Q Is the four of them walking off? 7:38:37PM**

12 A Yes. 7:38:38PM

13 **Q Was George Hesse standing next to them 7:38:39PM**

14 **as the four of them walked out?**

15 A Standing next to them, no. 7:38:46PM

16 **Q When you say walked out, you're saying 7:38:48PM**

17 **walking out of the boathouse?**

18 A I have a vision of them, because 7:38:52PM

19 that's when I felt really bad about the whole

20 thing was when the four of them were walking

21 off.

22 **Q To where? 7:38:59PM**

23 A To the water taxi. 7:39:00PM

24 **Q How far away is the water taxi from 7:39:01PM**

25 **the boathouse?**

TSG Reporting - Worldwide (877) 702-9580

Page 270	Page 271
<p>1 PAUL CAROLLO</p> <p>2 A I haven't been there so long myself, 7:39:11PM</p> <p>3 I'm trying to envision the whole place.</p> <p>4 200 feet. 7:39:16PM</p> <p>5 Q So you were outside of the boathouse 7:39:17PM</p> <p>6 when you saw the four of them walking towards</p> <p>7 the water taxi; is that your testimony?</p> <p>8 A Yes. 7:39:23PM</p> <p>9 Q Was George Hesse inside the boathouse 7:39:23PM</p> <p>10 or outside the boathouse when you recall seeing</p> <p>11 the four of them walk to the water taxi?</p> <p>12 A I believe he was on the deck. 7:39:31PM</p> <p>13 Q On the deck where? 7:39:37PM</p> <p>14 A Outside the boathouse. 7:39:39PM</p> <p>15 Q Was anyone on the deck with him? 7:39:40PM</p> <p>16 A It's only stairs. I don't know. 7:39:45PM</p> <p>17 Q Was George Hesse giggling when you saw 7:39:48PM</p> <p>18 him on the deck as the four of them were walking</p> <p>19 towards the water taxi?</p> <p>20 MR. GRAFF: Objection. 7:39:56PM</p> <p>21 A I believe so. 7:40:01PM</p> <p>22 Q Giggling? 7:40:02PM</p> <p>23 A I would say laughing. I don't know 7:40:04PM</p> <p>24 what giggling is.</p> <p>25 Q Do you know what he was laughing at? 7:40:07PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Did you hear what he was laughing at, if</p> <p>3 anything?</p> <p>4 MR. GRAFF: Objection. 7:40:12PM</p> <p>5 A It was the whole group laughing. 7:40:13PM</p> <p>6 Q What whole group? 7:40:15PM</p> <p>7 A The whole group of guys. Not the 7:40:17PM</p> <p>8 whole group. Not everybody was. Certainly</p> <p>9 50 percent.</p> <p>10 Q Were they all on the balcony with 7:40:22PM</p> <p>11 George?</p> <p>12 A No. 7:40:25PM</p> <p>13 Q Who was on the balcony with George? 7:40:25PM</p> <p>14 A I don't remember anyone else that was 7:40:28PM</p> <p>15 on there with him.</p> <p>16 Q So George was just laughing by 7:40:33PM</p> <p>17 himself?</p> <p>18 A Yeah. 7:40:37PM</p> <p>19 Q Watching the four of them walk away? 7:40:38PM</p> <p>20 A Yeah. 7:40:41PM</p> <p>21 Q You said you were not comfortable with 7:40:50PM</p> <p>22 how it went down. What specifically were you</p> <p>23 not comfortable with?</p> <p>24 A I think he could've done it on a more 7:40:57PM</p> <p>25 personal level.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 272	Page 273
<p>1 PAUL CAROLLO</p> <p>2 Q Tell me how. 7:41:02PM</p> <p>3 A You know, in other words, that 7:41:03PM</p> <p>4 everybody was there.</p> <p>5 Q You think -- 7:41:06PM</p> <p>6 A In other words, if you wanted to fire 7:41:07PM</p> <p>7 somebody, terminate them, whatever term you want</p> <p>8 to use, it could've been done personally.</p> <p>9 Q But he did fire them personally. 7:41:18PM</p> <p>10 Didn't he fire them in a private room?</p> <p>11 A Are you asking me how -- 7:41:23PM</p> <p>12 Q No, no. Did he fire them in the 7:41:26PM</p> <p>13 private room or did he fire them in front of</p> <p>14 everyone in a big speech?</p> <p>15 MR. GRAFF: Objection. 7:41:31PM</p> <p>16 BY MR. NOVIKOFF: 7:41:32PM</p> <p>17 Q How did he fire them? 7:41:33PM</p> <p>18 MR. GRAFF: Objection. 7:41:35PM</p> <p>19 BY MR. NOVIKOFF: 7:41:35PM</p> <p>20 Q To your knowledge or belief. 7:41:36PM</p> <p>21 A My belief is they were inside and told 7:41:37PM</p> <p>22 they weren't needed anymore.</p> <p>23 Q He didn't say that to the group in 7:41:42PM</p> <p>24 front of them, did he, to your knowledge?</p> <p>25 A No. 7:41:46PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q And he didn't go out, to your 7:41:47PM</p> <p>3 knowledge, and -- withdrawn.</p> <p>4 So is it your opinion that you were 7:41:53PM</p> <p>5 uncomfortable because you think that George</p> <p>6 could have done it in an even more private</p> <p>7 manner?</p> <p>8 MR. GRAFF: Objection. 7:42:02PM</p> <p>9 A Yes. 7:42:02PM</p> <p>10 Q Where the other officers weren't 7:42:03PM</p> <p>11 there?</p> <p>12 A Yes. 7:42:05PM</p> <p>13 Q And did you ever state to George Hesse 7:42:06PM</p> <p>14 that you were uncomfortable with how he handled</p> <p>15 it?</p> <p>16 A No. 7:42:11PM</p> <p>17 Q Now, did you hear anyone that day when 7:42:14PM</p> <p>18 you say they were laughing speak disparagingly</p> <p>19 about the plaintiffs?</p> <p>20 A Repeat that question. 7:42:30PM</p> <p>21 Q You said you saw a number of people 7:42:31PM</p> <p>22 laughing, and you believed that they were</p> <p>23 laughing because of the events that took place</p> <p>24 as it pertained to their jobs, correct?</p> <p>25 A Yes. 7:42:44PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Page 274	Page 275
<p>1 PAUL CAROLLO</p> <p>2 Q Did you specifically hear anyone that 7:42:44PM</p> <p>3 day, in or out of the boathouse, speak</p> <p>4 disparagingly of any of the plaintiffs?</p> <p>5 MR. GRAFF: Objection. 7:42:56PM</p> <p>6 A I can't remember. 7:43:00PM</p> <p>7 Q In response to one of Mr. Graff's 7:43:07PM</p> <p>8 questions you said that everyone knew of</p> <p>9 George's feelings of each of them.</p> <p>10 MR. GRAFF: Objection. 7:43:15PM</p> <p>11 BY MR. NOVIKOFF: 7:43:15PM</p> <p>12 Q Do you recall giving that answer? 7:43:17PM</p> <p>13 A Yes. 7:43:19PM</p> <p>14 Q Would that include you? Would you 7:43:20PM</p> <p>15 also know George's feelings about each one of</p> <p>16 them?</p> <p>17 MR. GRAFF: Objection. 7:43:27PM</p> <p>18 A Yes. 7:43:28PM</p> <p>19 Q What was George's feelings about Ed 7:43:29PM</p> <p>20 Carter?</p> <p>21 MR. GRAFF: Objection. 7:43:32PM</p> <p>22 MR. CONNOLLY: Objection. 7:43:33PM</p> <p>23 A Actually, I shouldn't say that. I 7:43:34PM</p> <p>24 don't know what his feelings were on Ed Carter.</p> <p>25 Q Okay. So then my question is -- okay. 7:43:39PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 How about Kevin Lamm, do you know what George's</p> <p>3 feelings were about Kevin Lamm?</p> <p>4 MR. GRAFF: Objection. 7:43:46PM</p> <p>5 MR. CONNOLLY: Objection. 7:43:48PM</p> <p>6 A I don't know. 7:43:57PM</p> <p>7 Q What is your understanding of George 7:43:59PM</p> <p>8 Hesse's feelings about Kevin Lamm?</p> <p>9 MR. GRAFF: Objection. 7:44:03PM</p> <p>10 MR. CONNOLLY: Objection. 7:44:04PM</p> <p>11 A What I stated already about the 7:44:04PM</p> <p>12 handcuffing thing.</p> <p>13 Q Same question with regard to Frank 7:44:08PM</p> <p>14 Fiorillo.</p> <p>15 MR. GRAFF: Objection. 7:44:10PM</p> <p>16 A The summons, the same thing about the 7:44:14PM</p> <p>17 summonses.</p> <p>18 Q Same question about Tom Snyder. 7:44:16PM</p> <p>19 MR. GRAFF: Objection. 7:44:19PM</p> <p>20 A I don't know. I'm not sure what 7:44:23PM</p> <p>21 George's opinion of him was.</p> <p>22 Q Same question as to Joe Nofi. 7:44:26PM</p> <p>23 MR. GRAFF: Objection. 7:44:28PM</p> <p>24 A I can't say for sure that I ever 7:44:56PM</p> <p>25 heard -- I can't remember whether George --</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
Page 276	Page 277
<p>1 PAUL CAROLLO</p> <p>2 whether I ever heard George say whether he was</p> <p>3 dumb or not.</p> <p>4 Q Okay. My question's a little bit more 7:45:04PM</p> <p>5 general.</p> <p>6 A You're asking what George thinks about 7:45:06PM</p> <p>7 them?</p> <p>8 Q Right. 7:45:09PM</p> <p>9 A I can't specifically say that I heard 7:45:09PM</p> <p>10 George say that.</p> <p>11 Q I'm not really asking you what George 7:45:12PM</p> <p>12 may have said or not said. My question to you</p> <p>13 is, what is your belief as to what -- as to how</p> <p>14 George felt about Joe Nofi?</p> <p>15 MR. GRAFF: Objection. 7:45:22PM</p> <p>16 MR. CONNOLLY: Objection. 7:45:23PM</p> <p>17 A My belief would probably be that -- 7:45:25PM</p> <p>18 you know, that he was dopey.</p> <p>19 Q Let's put you aside now. Your 7:45:31PM</p> <p>20 original answer was, in sum or substance,</p> <p>21 everyone knew George's feeling about each of</p> <p>22 them. What was everyone's feeling about how</p> <p>23 George felt about Frank Fiorillo?</p> <p>24 MR. GRAFF: Objection. 7:45:43PM</p> <p>25 A The same thing I just said. 7:45:49PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 PAUL CAROLLO</p> <p>2 Q That's fine. Nofi, same question. 7:45:52PM</p> <p>3 MR. GRAFF: Same objection. 7:45:55PM</p> <p>4 A Same thing. 7:45:56PM</p> <p>5 Q Carter, same question. 7:45:57PM</p> <p>6 MR. GRAFF: Objection. 7:45:59PM</p> <p>7 A The same answer. 7:45:59PM</p> <p>8 Q Fiorillo? 7:46:01PM</p> <p>9 MR. GRAFF: Objection. 7:46:02PM</p> <p>10 A Didn't we start with Fiorillo? 7:46:07PM</p> <p>11 Q Snyder? 7:46:10PM</p> <p>12 MR. GRAFF: Objection. 7:46:10PM</p> <p>13 A Same thing. 7:46:11PM</p> <p>14 Q Lamm? 7:46:12PM</p> <p>15 MR. GRAFF: Objection. 7:46:13PM</p> <p>16 A Same thing. 7:46:13PM</p> <p>17 Q And what is the basis for your belief 7:46:14PM</p> <p>18 that you knew what everyone else thought</p> <p>19 George's feelings were about each of the</p> <p>20 plaintiffs?</p> <p>21 MR. GRAFF: Objection. 7:46:23PM</p> <p>22 BY MR. NOVIKOFF: 7:46:23PM</p> <p>23 Q It's a convoluted question, but it 7:46:26PM</p> <p>24 actually makes sense.</p> <p>25 A Repeat it again. 7:46:30PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 278</p> <p>1 PAUL CAROLLO</p> <p>2 Q You've testified that, in your 7:46:32PM</p> <p>3 opinion, everyone knew what George's feelings</p> <p>4 were about each of the five plaintiffs. So my</p> <p>5 question now is, what is the basis for your</p> <p>6 belief that, as you say --</p> <p>7 A Osmosis. 7:46:47PM</p> <p>8 Q -- everyone else knew what George's 7:46:48PM</p> <p>9 feelings were about each of these plaintiffs?</p> <p>10 MR. GRAFF: Objection. 7:46:53PM</p> <p>11 A Osmosis. 7:46:56PM</p> <p>12 Q And being 30 years away from my earth 7:46:58PM</p> <p>13 science class, what do you mean by osmosis?</p> <p>14 A Things just sucked in. 7:47:04PM</p> <p>15 Q What things? 7:47:05PM</p> <p>16 A Just conversations people had, I 7:47:15PM</p> <p>17 guess. Just being in a room.</p> <p>18 Q Let me ask you a question. Based upon 7:47:20PM</p> <p>19 your experience and time during those seasons,</p> <p>20 what was -- was Frank Fiorillo well liked by a</p> <p>21 majority of the other police officers?</p> <p>22 MR. GRAFF: Objection. 7:47:38PM</p> <p>23 A I don't think he was disliked. I 7:47:41PM</p> <p>24 don't know about well liked. I liked Frank. I</p> <p>25 can't say whether people well liked -- well</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 279</p> <p>1 PAUL CAROLLO</p> <p>2 liked? I wouldn't say what anybody thought,</p> <p>3 because once you get people on a personal level,</p> <p>4 they have a different opinion of what they go</p> <p>5 with their group. So what someone may say about</p> <p>6 Frank in a group, they may not say in person.</p> <p>7 Q So you don't really know who felt what 7:48:10PM</p> <p>8 about any of the plaintiffs?</p> <p>9 A Absolutely. 7:48:14PM</p> <p>10 Q That's fine. I just want to get that 7:48:14PM</p> <p>11 clear.</p> <p>12 MR. GRAFF: It's untimely, but 7:48:27PM</p> <p>13 objection to the last question.</p> <p>14 BY MR. NOVIKOFF: 7:48:30PM</p> <p>15 Q You said a lot of people didn't like 7:48:53PM</p> <p>16 them a lot. That was in response to a question</p> <p>17 that Mr. Graff asked you. Do you want to</p> <p>18 explain the basis for that answer?</p> <p>19 MR. GRAFF: Objection. 7:49:03PM</p> <p>20 A Can you ask that question again? 7:49:12PM</p> <p>21 Q Yeah. I believe in response to one of 7:49:14PM</p> <p>22 Mr. Graff's questions, you said that a lot of</p> <p>23 people didn't like the plaintiffs a lot. Do you</p> <p>24 remember that?</p> <p>25 MR. GRAFF: Objection. 7:49:22PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 280</p> <p>1 PAUL CAROLLO</p> <p>2 A I don't know if I stated that much, 7:49:28PM</p> <p>3 but perhaps.</p> <p>4 Q What would be the basis for that 7:49:30PM</p> <p>5 belief?</p> <p>6 A Just as what I stated before. Just 7:49:32PM</p> <p>7 conversations. I don't know exact conversation.</p> <p>8 I can't remember whether I heard specific</p> <p>9 things. Just, you know, you get the feeling of</p> <p>10 things around you.</p> <p>11 Q So it was your feeling -- at what 7:49:45PM</p> <p>12 point in time did you have this feeling that the</p> <p>13 plaintiffs weren't well liked by the other</p> <p>14 members of the police department?</p> <p>15 MR. GRAFF: Objection. 7:49:55PM</p> <p>16 A At what point? 7:49:56PM</p> <p>17 Q Yeah. 7:49:58PM</p> <p>18 A I don't know. Probably maybe the 7:50:09PM</p> <p>19 second year.</p> <p>20 Q That would be the 2005 season? 7:50:12PM</p> <p>21 A 2005, yeah. 7:50:16PM</p> <p>22 Q Did the Bosettis ever talk to you 7:50:17PM</p> <p>23 about their feelings about any of the</p> <p>24 plaintiffs?</p> <p>25 MR. GRAFF: Objection. 7:50:24PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 281</p> <p>1 PAUL CAROLLO</p> <p>2 A Personally? 7:50:27PM</p> <p>3 Q Yeah. To you personally. 7:50:28PM</p> <p>4 MR. GRAFF: Objection. 7:50:32PM</p> <p>5 A No. 7:50:32PM</p> <p>6 Q How about Ty Bacon? 7:50:37PM</p> <p>7 MR. GRAFF: Objection. 7:50:49PM</p> <p>8 A Did Ty ever speak to me personally? 7:50:55PM</p> <p>9 Q Yeah, about any of the plaintiffs. 7:50:58PM</p> <p>10 MR. GRAFF: Objection. 7:50:59PM</p> <p>11 A No. 7:51:00PM</p> <p>12 Q Last question, hopefully. Did you 7:51:05PM</p> <p>13 ever hear the plaintiffs make any antisemitic</p> <p>14 remarks?</p> <p>15 A Did I ever hear the plaintiffs make 7:51:14PM</p> <p>16 any antisemitic remarks. No.</p> <p>17 MR. NOVIKOFF: I have no further 7:51:18PM</p> <p>18 questions.</p> <p>19 MR. GRAFF: Just a couple of 7:51:20PM</p> <p>20 follow-ups on some of Mr. Novikoff's</p> <p>21 questions.</p> <p>22 EXAMINATION 7:51:24PM</p> <p>23 BY MR. GRAFF: 7:51:29PM</p> <p>24 Q Going back to the Southampton 7:51:30PM</p> <p>25 post-termination employment. Do you remember</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 286</p> <p>1 PAUL CAROLLO</p> <p>2 Q On the occasions when you did work 7:56:17PM</p> <p>3 with Frank Fiorillo, did you ever write</p> <p>4 summons with him?</p> <p>5 A Yeah, I'd say so. 7:56:25PM</p> <p>6 Q Based on your experience writing 7:56:27PM</p> <p>7 summons with Mr. Fiorillo, in your opinion, was</p> <p>8 there anything wrong with his summons writing</p> <p>9 practices?</p> <p>10 MR. NOVIKOFF: Objection. 7:56:34PM</p> <p>11 A His practices? No. 7:56:35PM</p> <p>12 Q Going back to the April 2nd meeting. 7:56:39PM</p> <p>13 Did you see whether George Hesse met privately</p> <p>14 with anyone other than the plaintiffs before</p> <p>15 that meeting started?</p> <p>16 A There were a few people on the thing. 7:57:04PM</p> <p>17 I think he must have. I can't say for sure. I</p> <p>18 can't even say that I saw him specifically</p> <p>19 meeting -- it's more of a knowledge than sight</p> <p>20 that they met personally. I don't know if the</p> <p>21 three or if it was two at a time or one at a</p> <p>22 time. I'm not sure about it.</p> <p>23 Q Other than the plaintiffs, did you see 7:57:20PM</p> <p>24 anyone else go in to meet with Hesse, whether it</p> <p>25 was one at a time or two at a time or three at a</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 287</p> <p>1 PAUL CAROLLO</p> <p>2 time?</p> <p>3 A I would've thought there was, but I 7:57:35PM</p> <p>4 can't remember seeing exactly anything.</p> <p>5 Q After the point where you saw them 7:57:40PM</p> <p>6 walking to the water taxi, how much time passed</p> <p>7 until people then moved inside for the meeting?</p> <p>8 A Less than 10 minutes, probably. 7:57:55PM</p> <p>9 Q And then when people were inside 7:58:01PM</p> <p>10 milling around after they moved in, about how</p> <p>11 much time passed after -- from when people moved</p> <p>12 in until the meeting got underway?</p> <p>13 A Say that again. 7:58:12PM</p> <p>14 Q Once people started moving inside and 7:58:14PM</p> <p>15 were milling around inside, how much milling</p> <p>16 around time was there until the meeting actually</p> <p>17 started?</p> <p>18 MR. CONNOLLY: Objection. 7:58:24PM</p> <p>19 A It was all pretty instant. It all 7:58:27PM</p> <p>20 kind of happened very quick.</p> <p>21 Q Do you recall whether when people were 7:58:39PM</p> <p>22 outside, before any of the plaintiffs went in,</p> <p>23 whether people had formed a line?</p> <p>24 A Before they went in, I believe so. 7:58:53PM</p> <p>25 Q And who was in that -- were the 7:58:55PM</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 288</p> <p>1 PAUL CAROLLO</p> <p>2 plaintiffs in that line?</p> <p>3 A I can't say who was in the line. 7:58:58PM</p> <p>4 Q Do you recall anyone else being in the 7:59:02PM</p> <p>5 line aside from plaintiffs?</p> <p>6 A I thought there was. 7:59:06PM</p> <p>7 Q Do you recall that plaintiffs were in 7:59:09PM</p> <p>8 the line?</p> <p>9 A I can only assume -- yeah, they were 7:59:19PM</p> <p>10 inside. They obviously were inside. This is</p> <p>11 all obvious things. I saw them walking out.</p> <p>12 Not paying attention or realizing what's going</p> <p>13 on. So I remember a line going up. When they</p> <p>14 were on it or exactly how that all transpired or</p> <p>15 was there anybody else on it or was it only the</p> <p>16 four of them, I can't say.</p> <p>17 Q Did you see Ty Bacon come off the 7:59:46PM</p> <p>18 water taxi on the day of the meeting?</p> <p>19 A No. 7:59:51PM</p> <p>20 Q At what point -- on April 2nd at the 7:59:57PM</p> <p>21 meeting or at any point around the meeting on</p> <p>22 April 2nd, did you get a new ID?</p> <p>23 A I think he handed out -- yeah, he was 8:00:06PM</p> <p>24 taking pictures. You know what, did we get it</p> <p>25 then or did he just take the picture? I think</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 289</p> <p>1 PAUL CAROLLO</p> <p>2 he was taking a picture.</p> <p>3 Q Just one more. Mr. Novikoff was 8:00:23PM</p> <p>4 asking you some questions about what</p> <p>5 specifically was the basis for your testifying</p> <p>6 that George Hesse was laughing or thought it was</p> <p>7 humorous that the plaintiffs had been fired.</p> <p>8 Let me get to my question.</p> <p>9 Do you have any doubt that you 8:00:42PM</p> <p>10 observed George Hesse expressing amusement or</p> <p>11 laughter over the fact that plaintiffs had been</p> <p>12 fired before the April 2nd meeting started</p> <p>13 when people were inside?</p> <p>14 MR. CONNOLLY: Objection. 8:00:55PM</p> <p>15 MR. NOVIKOFF: Objection. 8:00:56PM</p> <p>16 A Reask that. 8:00:58PM</p> <p>17 Q Once people moved inside for the 8:00:59PM</p> <p>18 meeting, before the meeting started, do you</p> <p>19 believe that you saw George Hesse laughing about</p> <p>20 plaintiffs being fired?</p> <p>21 A There were a bunch of people laughing. 8:01:12PM</p> <p>22 MR. NOVIKOFF: What was that answer? 8:01:14PM</p> <p>23 THE WITNESS: There were a bunch of 8:01:15PM</p> <p>24 people laughing.</p> <p>25</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 290</p> <p>1 PAUL CAROLLO</p> <p>2 BY MR. GRAFF: 8:01:17PM</p> <p>3 Q Do you have any doubt that the source 8:01:18PM</p> <p>4 of their amusement was the fact that plaintiffs</p> <p>5 had been terminated, whether or not you remember</p> <p>6 specifically what was said?</p> <p>7 MR. NOVIKOFF: Objection. Foundation. 8:01:26PM</p> <p>8 MR. CONNOLLY: Objection. 8:01:30PM</p> <p>9 A Yeah, I believe that's what they were 8:01:31PM</p> <p>10 laughing about.</p> <p>11 Q And the basis for your belief was your 8:01:35PM</p> <p>12 observations?</p> <p>13 A My observations. 8:01:38PM</p> <p>14 MR. GRAFF: Thank you again for coming 8:01:40PM</p> <p>15 in today.</p> <p>16 (Time noted 8:01 p.m.) 8:01:42PM</p> <p>17 8:01:42PM</p> <p>18 PAUL CAROLLO 8:01:42PM</p> <p>19 8:01:42PM</p> <p>20 Subscribed and sworn to before me 8:01:42PM</p> <p>21 this day of , 2009 8:01:42PM</p> <p>22 8:01:42PM</p> <p>23 8:01:42PM</p> <p>24 8:01:42PM</p> <p>25 8:01:42PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 291</p> <p>1 PROCEEDINGS</p> <p>2 C E R T I F I C A T E</p> <p>3</p> <p>4 I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Public in</p> <p>5 and for the State of New York, do hereby certify:</p> <p>6 THAT the witness whose testimony is hereinbefore</p> <p>7 set forth, was duly sworn by me; and</p> <p>8 THAT the within transcript is a true record</p> <p>9 of the testimony given by said witness. I further</p> <p>10 certify that I am not related, either by blood or</p> <p>11 marriage, to any of the parties to this action; and</p> <p>12 THAT I am in no way interested in the outcome of</p> <p>13 this matter.</p> <p>14 IN WITNESS WHEREOF, I have hereunto set</p> <p>15 my hand this 21st day of August, 2009.</p> <p>16</p> <p>17</p> <p>18 JUDI JOHNSON, RPR, CRR, CLR</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 292</p> <p>1 PROCEEDINGS</p> <p>2 INDEX</p> <p>3 ATTORNEY PAGE</p> <p>4 By Mr. Graff 8</p> <p>5 By Mr. Connolly 243</p> <p>6 By Mr. Novikoff 245</p> <p>7 By Mr. Graff 281</p> <p>8</p> <p>9</p> <p>10</p> <p>11 INDEX OF CAROLLO EXHIBITS</p> <p>12 I.D. DESCRIPTION PAGE</p> <p>13 Exhibit 1 A subpoena dated May 12th, 2009 12</p> <p>14 Exhibit 2 A subpoena dated July 24th, 2009 12</p> <p>15 Exhibit 3 A one-page document bearing 63</p> <p>16 Bates number P 926</p> <p>17 Exhibit 4 A photocopy 67</p> <p>18 Exhibit 5 A photocopy 67</p> <p>19 Exhibit 6 A one-page document bearing 73</p> <p>20 Bates No. P 925</p> <p>21 Exhibit 7 A one-page document bearing 82</p> <p>22 Bates No. 2662</p> <p>23 Exhibit 8 A document entitled Incorporated 135</p> <p>24 Village of Ocean Beach handbook</p> <p>25 Bearing Bates numbers 0001 through 25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 293</p> <p>1 PROCEEDINGS</p> <p>2 INDEX OF CAROLLO EXHIBITS CONTINUED</p> <p>3 I.D. DESCRIPTION PAGE</p> <p>4 Exhibit 9 A letter dated April 18, 2006 138</p> <p>5 Exhibit 10 Posts numbered 550, 553 and 556 149</p> <p>6 on the Schwartz report blog thread</p> <p>7 Ocean Beach police corruption</p> <p>8 Exhibit 11 A one-page document bearing 157</p> <p>9 Bates No. 004420</p> <p>10 Exhibit 12 Complaint 174</p> <p>11 Exhibit 13 Bates document 4431 214</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

ERRATA SHEET

NAME OF CASE: CARTER V. OCEAN BEACH

DATE OF DEPOSITION: AUGUST 11, 2009

NAME OF WITNESS: PAUL CAROLLO

Reason codes:

1. To clarify the record.

2. To conform to the facts

3. To correct the transcription errors.

Page _____ Line _____ Reason _____

From _____ to _____

Page _____ Line _____ Reason _____

From _____ to _____

Page _____ Line _____ Reason _____

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Page _____ Line _____ Reason _____

From _____ to _____

Page _____ Line _____ Reason _____

From _____ to _____

Page _____ Line _____ Reason _____

From _____ to _____

PAUL CAROLLO

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A				
Abbott (1) 79:13	additional (1) 158:20	182:16 194:3 198:12 214:21 230:9 231:5	74:12 105:11 150:14 168:13	246:10 247:23
ability (1) 11:11	address (6) 6:7 24:11,12 50:20,22 51:4	231:11,18,22 233:5 244:18	213:18 232:16 268:18	appreciate (1) 24:2
able (10) 11:22 14:24 23:17 24:17 50:13 70:3 80:14 104:19 133:6 150:17	administer (1) 5:13	alleged (6) 180:18 182:5 192:11 196:21 198:20 231:9	answering (6) 10:7 58:3 68:8 101:2 129:2 175:22	approach (1) 112:12
absolutely (3) 11:3 131:16 279:9	administered (4) 33:8,11 55:10,18	allegedly (1) 223:6	answers (7) 10:4,15 23:13 68:19 81:7,15 233:21	appropriate (2) 25:11 117:23
abusive (1) 115:17	admit (1) 146:9	Allison (3) 1:14 177:16,19	anticipated (1) 174:23	approximately (2) 38:24 39:2
academy (31) 20:3 26:18,24 27:4,6 27:17,19,24 30:2,14 31:3,24 32:5,6,10 34:18,21,22 35:2,6 35:23 36:14 44:20 45:2 46:18 51:21,25 84:11 158:14,16 177:24	advise (4) 249:11,24 254:12,17	altercation (6) 236:4,7,11 237:20 239:14 241:8	antisemitic (2) 281:13,16	April (32) 43:25 83:16,19,22 84:2 116:20 120:4,7 137:14,19,22 138:7 138:22 139:10,14 178:17 208:2 220:21 243:25 244:5,5,6 249:17,24 262:4 263:8 267:13 286:12 288:20,22 289:12 293:4
accent (2) 111:16,17	advises (1) 97:11	altogether (1) 88:17	anybody (34) 15:5 29:8 30:16 46:14 58:22 66:14 71:4 72:22 90:22 91:4 93:2,11 123:11 125:19 126:23 128:11 129:6 145:12,24 146:3 154:19 160:12 168:24 173:12 179:20 191:15 195:17 212:11 215:25 245:5 250:13 265:4 279:2 288:15	area (6) 24:8,19 115:9 123:24 181:6,9
access (12) 150:19 151:2,11,16 151:23 152:4,7,14 152:17,25 153:23 153:25	age (1) 204:7	amendment (3) 100:14 240:24 241:4	amusing (1) 116:24	areas (6) 24:14 25:2 80:12,17 96:2 156:18
accurate (1) 82:5	agencies (1) 33:9	amount (3) 260:16 261:18 263:21	Andrew (1) 18:18	Ari (13) 7:10 39:7 57:13 58:12 69:4 82:2 94:25 146:7 152:19 154:6 208:24 226:20 229:25
accused (4) 125:9,14,16 126:23	agenda (1) 83:21	amusement (2) 289:10 290:4	and/or (1) 86:10	ARIEL (1) 3:7
acknowledge (1) 245:9	agility (1) 31:13	amused (1) 116:24	angry (1) 107:22	arising (1) 105:19
acquittal (1) 230:15	ago (7) 36:24,25 48:8 173:15 173:15 198:18 218:14	animosity (8) 92:10,11,18,20 93:6 109:19,24 116:10	anyway (1) 153:18	Arnie (2) 236:14 241:4
acquitted (1) 97:25	agree (6) 112:10 118:21,23,25 118:25 119:7	annual (9) 62:3 83:9 85:24 86:9 137:22,24 244:6 262:4 267:13	apartment (19) 188:3,5,20 196:25 197:24 199:4,16 200:12,19 201:7,17 203:13,20 204:5,25 244:21 245:3,6,9	Arnold (1) 240:8
ACTING (1) 1:11	AGREED (3) 5:2,6,10	answer (58) 8:15,16 9:19 10:19 11:2,22 23:4,6,8,10 23:15,18 24:10 25:3 36:15 49:8,16 54:15 54:16 58:17 61:19 67:25 70:3 74:25 80:17 81:5 85:11 96:5,10,12 99:2,25 100:21 101:21,23 102:6,8 118:6 128:21,24 129:5 138:18 139:21 160:21 175:24 226:20 229:3,5,12 232:17 239:7 247:9 260:13 274:12 276:20 277:7 279:18 289:22	apologize (1) 99:14	arrange (1) 18:9
action (5) 117:24 178:16,24 284:6 291:11	agreement (1) 110:10	answered (10) 69:14 70:16 72:7	apparently (1) 170:17	arrest (18) 37:4,12,18,19,24 38:4 38:7,10,11,18 49:23 117:19 130:23 235:24 237:17 241:5,7 261:23
actions (2) 226:3,5	ahead (2) 89:4 106:16		appear (1) 100:6	arrested (4) 49:24 234:24,25 236:9
activities (4) 105:8,16,22 106:5	aimed (1) 128:16		APPEARANCES (2) 3:2 4:2	arresting (5) 47:9,16 235:12,15,16
acts (1) 188:13	alcohol (10) 162:24 163:6 170:5 170:19,21 171:8 191:17 201:8,9,10		appeared (2) 46:11 85:8	arrests (2) 103:16,24
actual (4) 20:6 55:18 69:10 187:21	alcoholic (8) 11:18 161:19 164:7 169:17,21 172:8 180:22 181:2		applicable (2) 102:5 261:19	arrive (2) 240:4,9
add (3) 10:25 65:2 97:5	allegation (4) 179:13 192:14,19 207:8		applicant (6) 30:23,25 31:7,8,9,17	arrived (9) 80:3 200:8 235:21
added (1) 72:19	allegations (11)		application (2) 28:15 29:5	
			apply (1) 28:8	
			applying (6) 28:11 29:6 245:18,23	

236:16,25 237:24 239:3 240:2,5 articulate (1) 256:13 aside (6) 76:6 128:20 214:7,24 276:19 288:5 asked (26) 17:21 48:22 69:14 70:15 72:6 74:12 79:11,16 96:10 102:19 123:20 144:18 150:13 181:12 198:6 205:16 209:8 213:17 223:19 226:14 232:21 267:10 268:18 279:17 284:9,20 asking (42) 6:17 7:18 17:3 32:16 43:12 60:3 61:9 65:22 88:17 114:19 119:21 122:10 123:25 125:5 154:7 162:18 183:16 185:8 195:16 197:21 204:19 205:23 209:5 211:25 221:13,15 233:20 238:10,12 238:16 239:20 256:14,22,25 258:22,23 266:15 267:8 272:11 276:6 276:11 289:4 asks (1) 9:11 aspect (4) 16:12 249:8,13,19 assailant (1) 211:6 assaulter (1) 211:6 assembled (1) 149:18 assert (3) 99:3 100:6 101:11 assertion (1) 102:2 assessment (1) 27:22 asshole (1) 230:18 assigned (3) 113:7 180:5,10 assignment (3) 226:4,12 227:3 assistance (1)	240:19 association (1) 60:20 assume (13) 10:20 33:16 63:4 66:4 81:4 84:3 88:16 102:2 158:25 188:12 202:9 283:19 288:9 assumed (3) 63:13,14 183:17 Assumes (1) 122:17 assuming (5) 33:13 37:18 146:2,5 232:24 assumption (13) 12:23 61:20,23 68:2,8 68:9,11,17 69:2 71:13 85:4 203:10 283:20 attain (2) 27:3,8 attempted (2) 201:20,21 attend (3) 26:25 51:10,18 attended (1) 51:14 attending (1) 86:8 attends (1) 83:18 attention (4) 72:21 88:15 244:17 288:12 attorney (28) 6:12 12:2 14:4,15,19 14:22,25 15:6,11,18 16:7,13 17:16,18 19:4,9 100:3 101:20 128:10,17,18,20 129:9,15 227:5 244:9,13 292:3 attorneys (9) 3:4,10,18 4:5,13 5:3 13:16 17:14 36:22 Attorney's (2) 7:7 125:17 Attorney-client (1) 100:14 ATTORNEY1 (2) 39:11 154:11 August (4) 1:19 2:4 291:15 294:3 authority (3) 37:12 45:24 152:25 authorization (3) 151:24 153:4 222:12	authorized (5) 5:12 151:2,7,16,18 auto (1) 61:15 availability (1) 80:20 available (2) 150:21 166:22 Avenue (1) 3:5 averaging (1) 39:16 avoid (1) 146:25 aware (29) 27:9 28:17 30:25 35:10 43:17 49:25 55:21 57:25 64:12 65:11,16 105:22 115:24,25 116:9 117:7 140:3 151:21 153:9 158:6 171:23 181:22 183:20 191:16 207:2 233:16 234:4 242:13,25 Awly (1) 77:19 a.m (1) 40:22 <hr/> B <hr/> B (2) 1:12 3:10 back (51) 10:25 15:14 23:21 25:7 48:14 52:9 71:7 92:17 96:17 106:18,20,25 113:3 114:24 115:2 116:25 117:16,18 117:22 124:16,19 143:3 144:18,21,23 145:10,11 158:15 189:4,4 198:4 205:5 205:20 208:6,16 212:25 216:19 226:14,18,23,25 227:8,10 230:14 235:18 241:14 248:22,24 253:23 281:24 286:12 background (7) 28:14 29:11,14 31:14 45:15 46:12 51:7 backing (1) 115:2 backtrack (1) 223:24	backwards (1) 197:16 Bacon (3) 150:11 281:6 288:17 bad (11) 131:25 133:2 213:3 245:18,19,24 246:8 247:5,13 248:4 269:19 bag (1) 222:17 balcony (5) 197:6 199:11,16 271:10,13 ball (1) 175:21 bandanna (1) 184:11 banging (1) 211:18 bar (4) 171:25 172:5,7,19 barged (2) 211:16,18 barracks (16) 135:6 163:2,10,13 186:17,20,25 188:17,21,24 189:15,19 190:9,25 191:10 258:2 bars (6) 171:12,18,21,24 172:15 173:11 base (1) 46:16 based (11) 71:12 115:14 134:10 232:18,19 235:2 243:10 266:17 278:18 284:8 286:6 basic (1) 213:6 basically (1) 28:13 basis (32) 21:9 23:17 32:15 49:18,21 91:18 96:11 97:22 99:24 107:21 113:6 114:10 117:5 119:12 159:8 172:13 198:14 199:19 222:20 231:17 232:22 246:2 248:17 262:10 266:12 268:17 277:17 278:5 279:18 280:4 289:5 290:11	Bates (19) 63:19,21 73:4,6 82:17 82:19 135:23 136:3 138:5 157:18,20 214:13 223:21 292:16,20,22,25 293:9,11 bathroom (7) 68:12,13 69:11,16 72:23 188:25 211:15 battling (1) 117:16 bay (2) 207:10,18 Beach (166) 1:8,11 3:18,19 16:16 16:17 20:2,6,15 21:5,23 22:4,12,20 23:2 24:23 25:15 26:13,17,21 27:8 28:2,7,18,23 29:5 29:15,19 30:12,22 31:18,24 33:21 34:15 35:5,13,19 36:12,19 37:3,6,10 37:16,17 38:3,21 42:22 43:2,19 44:21 45:4,12,18 46:20 47:3,11 49:12,24 55:22 56:8,17,25 58:9 59:7,13,21 60:21 61:7,18,24 62:20 63:3,10,14 64:14 65:13,17 68:15,22 72:24 73:15 75:22 76:4 77:2 78:15 86:22 96:8,21 97:4 98:16 101:4 105:16 106:3 108:12 110:18 113:24 125:24 127:22,23 128:4 129:21 130:8 133:19 135:8,12,23 136:2,14 137:3 138:5 139:4 141:12 142:3 149:7,11 154:21,24 156:2,6 156:15 158:8,24 161:17 171:12,18 171:24,25 172:5,20 176:6,6,14,18,20 177:6 178:6 179:2 180:3 181:23 185:10 186:16,24 186:24 187:16 190:18 194:8,17 195:21 215:12
--	---	--	--	---

217:18 220:11 222:6 225:22 226:13 227:3 228:14 229:10 231:13,19 233:17 234:21 259:12 284:22 292:24 293:7 294:2 beacon (1) 238:10 bearing (17) 63:19,21 73:4,6 82:17 82:19 135:23 136:3 157:18,20 223:21 282:17 292:15,19 292:21,25 293:8 beating (1) 230:10 becoming (1) 178:5 bedrooms (1) 189:14 beds (3) 189:5,6,11 BEE (1) 4:3 beer (8) 163:6 173:3,3 181:13 197:5 200:14 201:12,15 beers (3) 173:2 191:6,8 beginning (6) 21:3 80:3,4 101:4 131:6 239:21 behalf (2) 95:4,7 behave (1) 243:11 belief (13) 115:16 118:4,14 222:20 262:10 272:20,21 276:13 276:17 277:17 278:6 280:5 290:11 believe (78) 17:21 33:14 34:20 38:20 40:17 66:17 70:18,18 74:11 79:20 81:19 82:8 83:15 84:15 85:5 87:4 91:14 93:3 98:6,10 102:4 105:7 105:14 112:20,21 115:14 120:5 121:19 128:4,9 129:20 130:7,16,24 132:9 133:21 136:24 137:8	153:12 154:9,11 164:8 171:3 176:11 185:5 187:5,9 190:7 195:3 202:21 204:7 206:18 210:9 215:13 222:15,18 225:2,14 233:18 234:6 243:21,24 244:15,19 245:2 246:10,18 248:19 253:25 270:12,21 279:21 283:21 284:9,10 287:24 289:19 290:9 believed (7) 62:15 110:6 114:4 125:22 126:10 249:18 273:22 believing (1) 91:18 bell (1) 126:20 benefit (2) 44:14 110:15 best (10) 10:7 14:2 18:4 23:19 88:20 102:25 109:24 173:9 176:9 213:4 better (2) 40:11 258:6 beverage (3) 169:18,22 172:9 beverages (5) 11:18 161:19 180:22 181:2,8 beyond (1) 39:15 bickering (1) 144:22 big (5) 169:12 183:23 205:9 205:19 272:14 biggest (1) 165:24 bike (2) 40:10,11 bit (6) 96:18 109:15 198:23 205:6 259:21 276:4 blame (1) 82:3 block (1) 202:24 blog (40) 139:12,22 140:2,3,8 140:11,21,24 141:4 141:9,11,16 142:7 142:11,12 143:5,8	143:15,21,25 144:4 145:4,16 146:9 147:9,20 148:2,18 149:7,10,17,25 150:12 155:17,22 155:22 208:6,15,15 293:6 blogs (3) 140:17 141:5,7 blood (1) 291:10 blotter (4) 103:18,24 104:5 107:14 blue (1) 175:4 board (1) 63:12 boat (3) 88:10,10,11 boathouse (7) 269:17,25 270:5,9,10 270:14 274:3 bodybuilder (1) 241:6 Boggleman (1) 285:3 bong (3) 200:16,17 205:8 book (4) 136:25 137:2,11,16 Bosetti (15) 56:4,6,9,12,16,21 57:4 135:7,11,17 162:10 163:16 211:8,11,22 Bosettis (7) 162:5 184:25 186:12 207:9,23 210:20 280:22 bottles (1) 163:5 bought (3) 60:24 61:8,15 boyfriend (3) 206:7,14 207:2 boyfriend's (1) 206:8 Boyle (25) 80:16 81:4 94:22,24 95:9,13,16,19,22 96:15 97:24 98:5,8 98:12,23 99:9,12,16 99:20 101:9,21 102:17,21,25 103:2 brands (1) 181:13 break (7) 11:6,7 27:18 235:13	235:14 242:20 255:14 breakdowns (1) 21:12 breaking (1) 153:2 brief (1) 233:9 briefly (5) 7:13 8:9 218:22 228:4 228:20 bring (4) 117:18,22 119:3 253:23 bringing (4) 85:2 118:18 119:11 145:10 broad (2) 59:17 252:3 broader (1) 101:7 broke (4) 235:5,8,11,21 broken (3) 66:17,23,24 Brooklyn (1) 111:14 brought (3) 100:11 142:23 238:18 brutality (7) 231:6,12,18,23 232:4 232:10 233:6 building (5) 55:5,7 88:12 156:17 188:23 bunch (4) 61:15 213:19 289:21 289:23 bureau (1) 178:2 busy (1) 107:13 <hr/> C <hr/> C (3) 1:8 291:2,2 cabinet (2) 207:9,18 call (12) 15:9 36:20 80:15 103:23 112:24 113:14,21 215:21 215:23 218:14 229:14 246:20 called (17) 6:3 15:8 19:6 24:6 30:22 36:20 40:8 60:21 87:23 88:3	94:22 114:4,18 202:21 219:3 238:2 240:19 calling (4) 103:18 104:5 107:13 199:25 camera (2) 66:8,11 cameras (1) 65:23 Campbell (7) 132:2,5,8,18 205:18 205:23 207:3 campsite (1) 263:23 cans (3) 162:23 163:5 201:11 capacity (5) 1:9,11,13,15 47:8 car (1) 257:20 card (3) 63:7 84:19 85:9 cards (3) 84:25 85:5,6 care (1) 11:10 careers (1) 178:13 Carollo (342) 1:18 2:13 3:1 4:1 5:1 6:1,2,9 7:1 8:1,9,18 9:1 10:1 11:1 12:1 12:18 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1,4 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1,4 65:1 66:1 67:1,19 68:1 69:1 70:1,7 71:1 72:1 73:1,3,10 74:1 75:1 76:1 77:1 78:1 79:1 80:1,19 80:23 81:1,5 82:1 82:16,23,24 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 95:15,18 96:1,4,10 96:20 97:1,5,9,10
--	---	---	--	---

97:24 98:1,3,7,11 98:12 99:1 100:1,24 101:1,11 102:1 103:1,5 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1,9 137:1 138:1 139:1,13 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1,5 149:15,24 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1,17 158:1 159:1 160:1 161:1 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1,7,13 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1 188:1 189:1 190:1 191:1 192:1 193:1 194:1 195:1 196:1 197:1 198:1 199:1,7 200:1 201:1 202:1 203:1 204:1 205:1 206:1 207:1 208:1 209:1 210:1 211:1 212:1 213:1 214:1 214:17 215:1 216:1 217:1 218:1 219:1 220:1 221:1 222:1 223:1,20,24 224:1 225:1,8 226:1 227:1 228:1 229:1 230:1 231:1 232:1 233:1 234:1 235:1 236:1 237:1 238:1 239:1 240:1 241:1 242:1 243:1,21 244:1 245:1 246:1 247:1 248:1 249:1 250:1 251:1 252:1 253:1 254:1 255:1 256:1 257:1 258:1 259:1 260:1 261:1 262:1	263:1 264:1 265:1 266:1 267:1 268:1 269:1 270:1 271:1 272:1 273:1 274:1 275:1 276:1 277:1 278:1 279:1 280:1 281:1 282:1 283:1 284:1 285:1 286:1 287:1 288:1 289:1 290:1,18 292:11 293:2 294:4,24 Carollo's (1) 110:14 carpenter (4) 33:25 34:2,4,9 carpentry (1) 34:7 carry (1) 104:20 carrying (1) 111:22 cars (1) 114:24 Carter (25) 1:3 60:10 86:18 116:8 126:22 127:4,10,17 133:25 134:5,11,20 134:24 251:12 254:4 256:8 258:19 258:19 259:10,13 261:6 274:20,24 277:5 294:2 Carter's (1) 126:14 case (40) 6:14 7:8 16:24 17:11 48:10,18 49:11,14 50:7 53:12,15,24 54:3,5 85:13,17 98:18 99:11,16 143:2,3 173:17 192:25 221:6 226:7 227:17,21,24,25 229:20 231:3,24 232:2 233:19 234:5 237:10,13 239:10 239:12 294:2 cases (8) 50:10 54:6 96:8 232:5 232:11,24 233:7,20 categories (1) 102:7 category (1) 101:8 caught (2) 117:20 143:24 cell (2) 181:17,25 certain (9)	9:17 40:3 48:22 88:24 145:11 154:14 164:23 175:18 256:15 certainly (14) 33:4 42:6,16 58:4 75:12 90:7 92:5 106:16 143:17 218:6,6 246:11 250:12 271:8 certification (6) 27:3 35:11 51:22 54:23 59:9,21 certifications (1) 51:23 certified (12) 2:17,18 35:17 36:3,10 38:16 55:22 56:16 57:9 58:5,6,9 certify (2) 291:5,10 chambers (4) 153:3,7,13,14 chance (6) 9:14 12:18 138:11 157:24 174:14 181:19 change (4) 42:17 157:4 218:23 218:24 changed (4) 40:18 210:6,25 211:4 chaotic (2) 243:14,15 characterize (2) 110:17 282:15 characterized (2) 25:23 227:15 charge (4) 29:18 41:3 61:17 213:11 charges (3) 228:2 238:6,23 chase (1) 148:13 cheated (1) 188:19 cheered (1) 123:5 cheering (2) 123:2,10 Cherry (1) 285:5 Chester (1) 177:19 chief (5) 1:12 29:25 139:11 177:2 249:11	children (1) 51:5 choice (2) 8:18 132:23 choose (1) 256:23 chose (1) 213:8 Chris (2) 113:25 114:3 Christmas (2) 62:4,5 circle (1) 263:22 circuit (1) 182:9 circumstances (2) 24:22 96:25 city (1) 82:10 civil (22) 1:14 30:17 32:11,20 32:23 33:12,17 35:10,11,18 36:4,10 36:18,21 53:16 58:25 59:4,9,14,20 179:18 230:15 civilian (7) 40:8 54:11 112:5 113:15 114:5 168:23 180:23 civilians (2) 111:22 191:22 civilly (1) 238:18 CJ's (2) 164:5,6 claims (1) 231:6 clarify (3) 258:21 264:6 294:7 class (9) 20:16,23 46:18,19,23 46:25 156:10,13 278:13 classes (1) 187:18 classified (3) 21:13 55:5 225:23 clean (1) 10:3 clear (12) 10:4 13:5,19 31:16 44:6 50:16 128:15 162:9 170:17 217:9 229:18 279:11 clients (4) 9:22 58:13 110:17	188:10 close (2) 115:21 185:22 closer (4) 185:9,10,12 260:4 closets (2) 189:3,10 clothes (1) 168:23 CLR (3) 1:24 291:4,18 cocktail (1) 264:19 code (1) 152:5 codes (1) 294:6 college (4) 51:10,13,15,18 combined (1) 261:16 come (28) 23:21 25:7 28:5 40:3 42:14 59:4 77:25 90:10,13,15 96:3 101:20 105:21 156:20 158:13 159:2 160:11 162:5 180:4 218:7 220:19 226:18 235:13 241:22,25 267:15 268:5 288:17 comes (1) 230:21 comfortable (7) 25:8 96:5 100:25 121:25 147:17 271:21,23 coming (8) 16:2 64:25 81:8 86:21 147:10 162:6 190:20 290:14 Commack (2) 6:9 50:24 comment (2) 250:25 251:4 commenting (1) 238:21 comments (1) 158:20 commissioner (2) 176:7,12 committed (1) 188:13 committing (1) 37:23 communicate (9) 46:8 58:7 59:6 62:10
---	--	---	--	---

94:2 103:5 118:13 220:24 224:17 communicated (9) 93:14 94:15 117:12 118:3,7 122:14 194:7 224:21 282:7 communications (1) 128:19 Community (1) 51:15 company (2) 15:11 34:7 complain (10) 118:18,20 119:17 249:16 250:23 251:16 252:4 253:4 254:4,7 complained (3) 119:23 251:20 255:21 complaining (4) 40:6 119:25 254:18 255:16 complaint (40) 17:11,22 18:5 54:11 117:8 118:23 173:17 174:9,14,18 174:21 175:2,7 177:15 178:15,20 182:11,11,12,17 192:8,14,20 194:4 207:8 208:18 214:18 231:12 234:20 237:4,5 240:16 244:10,14 244:18,24 252:14 252:23 255:25 293:10 complaints (7) 40:2,8,9 115:24 119:13 254:14,15 complete (5) 30:3,19 32:4 178:4 230:14 completed (3) 31:24 177:25 226:8 completely (2) 11:12,23 completion (1) 226:2 complies (8) 149:19 177:14 180:16 181:18 183:3 196:12 205:13 214:25 computer (15) 142:20,23 146:18 147:14 150:17,22 150:25 151:10,11 151:16,23 152:6	153:2,13 154:3 computers (6) 152:4,10,12,16 153:6 153:9 concerned (2) 9:6 117:15 concerning (10) 24:22 155:23 231:12 231:22 247:22 248:14 249:3 250:2 254:5,8 concluded (1) 9:12 concluding (1) 107:22 conclusion (1) 239:14 conducted (2) 158:7 251:18 confident (1) 50:6 confidential (2) 131:7 132:1 confidentiality (2) 131:8 132:13 confirm (1) 113:4 confiscate (1) 181:13 confiscated (8) 180:22 181:3 191:6 191:16,22 192:11 193:6,7 conflict (1) 18:6 conflicting (1) 210:18 conform (1) 294:8 confused (1) 204:17 connection (20) 12:3 35:12 36:18 50:2 55:9 59:14,20 61:5 101:3,12 104:6 108:11 174:22 203:3,8 215:3 216:23 221:11 228:14 234:2 Connolly (100) 3:13 7:12 8:19,19,20 9:17 10:11 24:17 31:20 35:8 44:12,17 53:16 56:9 65:20 66:9 68:6 70:22 74:11 80:7,18 95:7 95:8 110:13 121:23 122:5,23 126:13 127:7,14 128:8	129:24 134:16 139:25 141:2 144:11,16 145:8 147:22 148:6 151:4 152:18 163:12,20 164:15 166:9,18 167:16 168:19 169:25 171:20 172:22 179:19 180:7 183:7,15 185:18 186:8 187:22 190:3 191:24 193:7 194:9 194:18,25 196:3,6 196:15 203:22 209:16 210:15 213:17 215:7 220:15 221:13 223:14 224:7 225:6 226:15,19 232:7,13 232:23 233:12,23 241:24 243:20 245:12 274:22 275:5,10 276:16 282:11,20 283:7 284:12 287:18 289:14 290:8 292:5 consider (5) 156:20,23 157:2,7,10 considered (1) 47:20 considering (1) 203:23 constraint (1) 80:24 construction (1) 53:3 consulted (2) 17:19 244:9 consumed (2) 11:15 191:7 contact (8) 29:4 133:13 134:10 134:14 160:22,24 160:24 257:23 contacted (1) 29:7 contained (1) 244:18 container (5) 117:21,25 119:6 171:5,7 context (7) 43:18 47:17 49:23 60:4 155:13 176:17 178:25 continue (4) 21:22 41:13 214:17 242:22	continued (3) 4:2 87:6 293:2 continuing (1) 97:4 controlled (1) 11:15 convenience (1) 82:4 convenient (1) 82:9 conversation (43) 15:12 16:4 18:25 19:5 19:10 50:14 73:18 87:20 120:15,23,24 126:2 155:19,20 208:7 209:21 212:6 218:5,7,9,15,17 228:8 246:15 247:22 248:14 249:3,22 250:7 253:17 255:6,10 262:22,23 263:3 264:22,25 265:6,14 265:18,21 268:4 280:7 conversations (9) 13:17 14:2 16:14 185:21 255:2 257:12 267:22 278:16 280:7 conversation's (1) 220:19 conversed (1) 251:9 convicted (4) 52:4,12,19 98:5 convoluted (1) 277:23 cop (1) 225:2 copied (1) 223:6 copies (1) 174:5 copy (10) 17:10,22 55:12 64:6 135:21 173:18,19 173:25 174:14 222:16 copying (2) 221:4,11 corner (1) 259:23 correct (19) 11:2 12:3 17:22 39:12 82:10 157:14 243:23 244:11 247:24 248:8 259:6 261:7 264:3 265:18	266:23 267:19,24 273:24 294:9 corrected (1) 99:13 corrections (2) 33:15 285:11 correctly (1) 261:4 correspondence (1) 139:5 corruption (3) 149:8,11 293:7 Costello (1) 79:14 could've (4) 94:7 116:9 271:24 272:8 council (1) 40:7 council's (1) 40:6 counsel (9) 24:24 50:8,12 54:22 96:6,11 98:18,19 101:18 count (2) 27:16 171:6 counties (1) 38:15 Country (1) 4:6 County (33) 1:13,13 4:5,11,13 27:2 30:17 31:4,5,6 33:5,11,14,15 34:23 35:2,5,17 36:4,9,18 36:21 38:12,14 51:15 55:4,6 58:25 59:4 154:16 155:10 177:2,24 couple (9) 9:23 51:6 81:18 96:2 106:12 161:11 189:3 201:11 281:19 course (11) 10:12,24 37:10 45:3 47:9 111:22 112:23 132:10 180:20 222:6 235:15 court (50) 1:2 5:15 9:25 12:5 16:3 19:18,19 25:20 25:23 26:4,6,9,13 33:5,20 48:15,18 51:24 52:9 63:17 73:2 80:14 82:15 92:17 95:20 96:14 96:17 97:11 100:12
---	--	---	---	---

106:20 124:19 135:20 138:3 150:16 151:5,15,21 152:17,24 174:6 191:3 216:19 223:19 226:2,5,25 227:17,21 228:9 248:24 courthouse (17) 19:21 150:17 151:3 151:11,15,17,23 152:17,19,22 153:10,21 154:2,12 154:20 155:2,14 courthouses (1) 154:16 CourtNet (1) 244:16 COURTNEY (1) 3:9 courtroom (3) 152:4,15 153:8 courts (3) 19:16 48:16,17 cover (6) 80:12 171:4,5 180:5 180:10 249:8 covered (1) 249:18 covering (1) 249:13 coverup (1) 249:25 crap (4) 72:21 173:6 208:16 258:16 credential (1) 27:4 credentialed (1) 32:5 credentials (1) 51:22 crew (1) 258:5 crime (6) 37:24 52:5,13,15,19 52:21 criminal (13) 97:2,16 98:18 102:3 128:10 156:9,13 226:7 228:13 231:3 231:24 238:5,23 CRR (3) 1:24 291:4,18 cup (4) 168:14 170:25 171:3 172:12 current (4) 143:23 154:24 159:3	176:18 currently (1) 19:13 customary (2) 112:12,17 cut (2) 148:13 199:6 CV (1) 1:7 <hr/> D <hr/> date (23) 12:12,16 14:7,10 63:23 67:14,17 73:8 82:21 85:4,4 136:5 138:9,19,20 139:10 149:13 157:22 174:11 185:9 214:15 217:20 294:3 dated (8) 12:7,8,10,13 138:7 292:13,14 293:4 Dave (16) 126:25 165:25 219:22 219:23 220:8,10,17 220:24 221:23 222:10,16 224:4,15 224:20,22 225:2 day (23) 20:14 41:19,25 42:7 80:13 81:25 115:12 120:9,14,22 125:5 132:11 133:9 156:11 161:7 173:3 262:7 268:14 273:17 274:3 288:18 290:20 291:15 deal (1) 160:11 dealer (6) 183:6,13,18,23 184:5 185:16 dealing (2) 112:22 184:4 dealings (1) 115:15 dealt (1) 160:13 December (5) 20:16 218:16,19,19 218:21 decide (1) 208:14 decided (5) 202:10,10,12,18 213:11 decision (6)	45:21 46:9 100:12 156:5 173:7,13 decisions (1) 173:9 deck (4) 270:12,13,15,18 declined (1) 96:12 defendant (6) 6:14 49:15 53:15 95:7 211:7 233:5 defendants (6) 1:16 95:5 97:16 228:16,18 229:10 definite (1) 70:9 definitely (9) 42:3 69:3,17,20 70:9 75:6,6 77:8 130:25 denied (2) 16:7 98:17 department (57) 1:11,14 3:20 4:11 29:19,24 30:17,22 31:6 33:11,15 35:18 36:4,10,18 43:19 59:8,9 64:9 65:13 65:18 66:21 68:22 72:24 75:22 76:4 83:9 85:25 86:9,23 92:3,3 94:21 103:8 104:11 106:3,15 117:9 137:3 139:18 141:7,13 143:7,8 161:3 175:17 176:14,20,24 177:8 181:23 191:23 224:20 247:24 249:13 251:19 280:14 department's (1) 249:12 depended (1) 40:13 depends (1) 44:3 depicted (2) 67:21 73:11 deposed (5) 48:3,24 53:13 54:3 101:18 deposition (34) 1:18 2:13 5:11 9:3,6 9:11 12:3 13:6 14:6 14:10,16 15:7,15 17:4,8 47:5,22,25 48:6,11 57:15 81:21 81:23 82:10 94:23 98:15,21 103:3	148:22 149:2 163:9 174:23 244:10 294:3 depositions (4) 9:10 14:13 102:14 209:2 Deputy (2) 1:12 139:11 derogatory (4) 69:15,18 70:10,14 describe (6) 111:12 188:16 199:2 200:7 227:20 282:17 describing (2) 105:4 283:10 DESCRIPTION (2) 292:12 293:3 designate (1) 131:6 desk (3) 153:17 192:21 221:20 detail (1) 228:11 details (1) 235:20 determinations (1) 100:20 detour (2) 239:12 242:17 difference (2) 205:9 256:19 differences (2) 213:23 253:10 different (27) 21:11 28:5 33:9 34:11 58:2 62:23 68:24 69:6,8,20 71:21,22 74:13 110:16 139:20 156:18 167:12 170:18 193:19 197:19 198:5 204:14 212:10 214:4 252:2 279:4 285:6 differently (2) 215:9 250:14 differing (4) 252:16 253:13,14,25 difficult (2) 128:21 133:5 digital (4) 65:2,11,16 66:5 dinner (4) 60:24 61:2,6 242:20 direct (1) 246:3 direction (6)	25:10 80:16 202:2,7 203:7 214:5 directly (1) 118:8 disciplinary (2) 178:16,24 disconnected (1) 103:2 discontinued (1) 230:13 discretion (1) 94:8 discuss (5) 6:22 217:13 219:8 220:17 237:13 discussed (6) 7:13 13:18 18:11 83:22 142:6 214:21 discussing (3) 87:11,15 148:18 discussion (10) 82:13 87:9 123:15 129:8 136:6 141:11 141:20 146:16 214:9 233:13 discussions (5) 66:20 81:20 208:3 209:14,17 disgruntled (2) 143:22 144:9 disliked (1) 278:23 dismissed (4) 99:11,17 102:3 228:2 disorderly (1) 104:25 disparagingly (2) 273:18 274:4 dispatcher (2) 103:20 105:2 dispatchers (2) 180:6,10 disposition (1) 230:5 dispute (1) 179:25 dissatisfaction (1) 224:3 distance (2) 262:17 263:16 distinguished (1) 163:13 District (4) 1:2,2 7:6 125:17 disturbance (1) 205:17 division (1) 93:9
--	---	---	---	---

divisions (1) 93:10	164:9 167:14 168:9 171:11,21,23,24	D.A (6) 7:16,19,24 8:3 224:14 228:8	27:20	engaged (1) 249:25
dizzy (1) 257:8	172:5,25 173:8,9 181:11 191:7,12,16	<hr/> E <hr/>	elements (1) 58:2	entered (2) 20:3 27:24
dock (3) 180:4,9,11	drinker (1) 169:13	E (2) 291:2,2	elicit (2) 17:7 128:16	entire (1) 198:4
doctor's (1) 11:10	drinkers (1) 172:19	earlier (15) 11:2,25 78:7 81:24 191:5 197:23 205:16 219:19 225:15 229:19 243:21 244:8 245:2 253:24 284:9	Elmsford (1) 3:12	entitled (3) 135:22,25 292:23
document (27) 12:20 63:19,20 67:20 73:4,5 82:17,18 135:22,25 136:12 137:25 138:4 139:3 143:19 157:18,19 214:13 223:21,24 225:9 292:15,19,21 292:23 293:8,11	drinking (20) 161:18,19,23 162:10 162:19 163:18 165:8,20 166:4 167:18,21 168:3,9 168:20 171:17 172:6,8 173:5 201:9 204:7	early (2) 13:14 101:5	else's (1) 106:16	envision (1) 270:3
documents (5) 7:12 12:19 139:6 174:22 223:6	drive (2) 166:20,22	earth (1) 278:12	Elyse (3) 195:6,11,18	equipment (2) 61:8,16
doing (10) 65:24 71:12 81:13 103:20 141:10 142:16,21 153:3 188:13 252:8	driven (2) 166:19 167:4	easier (1) 256:24	embarrassed (2) 114:22 115:4	ERRATA (1) 294:1
domestic (4) 130:23 131:10 132:17 205:17	driving (2) 114:25 171:7	east (1) 190:7	Embry (2) 222:19,23	errors (1) 294:10
donated (1) 62:25	dropped (2) 197:5 201:15	EASTERN (1) 1:2	emergency (2) 181:17,25	escapades (1) 194:5
donations (1) 62:21	drug (11) 183:5,13,18,23 184:5 185:16 200:15 203:2,4 204:24 245:9	easy (3) 102:10 129:2 229:22	emotions (1) 148:8	especially (2) 170:10 173:10
DONOVAN (1) 4:3	drugs (12) 184:4 192:6,11,20 193:5,10,11,14,20 193:22,25 200:16	eaten (1) 242:19	employed (4) 19:13 34:16,17 55:24	ESQ (3) 3:7,13,23
door (13) 90:17 156:11 188:22 188:22,23,24 211:19 240:17,20 240:21,21,22 241:22	drunk (1) 104:24	Ed (26) 29:21,22 42:11,16 60:10 116:8 126:22 127:4,10,17 133:25 134:5,7,11,14,20,24 134:25 251:12 254:4 258:18,19 259:3,12 274:19,24	employee (9) 6:13 73:15 98:17 101:16,16 136:15 136:19,23 227:6	establish (1) 172:11
dopey (15) 256:19,20 257:2,3,4,7 257:8,10,15 276:18 282:14,17 283:3,10 283:22	drunks (1) 104:8	educational (1) 51:7	employees (3) 57:22 143:23 144:9	established (2) 179:23 208:25
dopiness (2) 257:17 283:12	duly (2) 6:4 291:7	EDWARD (1) 1:3	employer (2) 25:19 216:4	estimated (1) 103:7
doubt (6) 282:5,7,12,12 289:9 290:3	dumb (1) 276:3	effect (14) 5:14 18:7 20:4 74:10 74:20 111:15 125:2 126:5,10 144:3 193:22 197:9 200:3 204:22	employment (20) 33:23 36:19 44:23 45:4 54:8 87:7 96:8 96:24 101:4 125:24 127:23 156:5 178:25 180:3 186:16 194:16 215:3 217:2 222:7 281:25	evaluation (2) 158:11,15
downstairs (3) 152:5,12 154:4	duties (6) 37:2,7 47:10 104:20 111:23 178:14	effectiveness (1) 282:18	empty (3) 162:23 163:3,5	evaluations (1) 158:7
draw (1) 244:17	duty (28) 20:6 76:24 79:22 80:5 161:20,20,24 162:2 162:7,8,11 163:19 165:10,11,12,13 166:24 169:7,8,22 170:10,10,16 171:11,17,25 172:4 225:22	efforts (2) 14:18 18:9	encounter (2) 194:22 195:20	evening (3) 249:9,14,19
drawer (7) 191:25 192:4,6,10 193:4,10,12	dwelling (1) 187:2	either (11) 24:10 84:17 90:4 102:22 111:6 161:21 205:4,8 207:22 238:6 291:10	encountered (3) 76:10 175:6,9	event (2) 100:4 200:5
drink (18) 162:15 163:25 164:7	Dyer (7) 77:22,23,25 78:5 199:13 200:22 285:3	elaborate (1) 224:11	encourage (2) 143:22 144:8	events (9) 96:7 105:13 228:7 231:17 237:19 249:9 250:2 262:3 273:23
		element (1)	ended (1) 202:22	eventually (3) 191:9,12 242:6
			ends (1) 198:24	everybody (33) 23:4 34:20 44:5,15,15 46:18 63:4 79:21 85:7 87:24 88:13,23 89:6 90:12 91:23 92:2 106:16 124:8 140:9 145:25 146:17 179:21 183:25,25 185:16 185:20 194:13 207:21 262:12 264:16 266:7 271:8 272:4
			enforcement (14) 25:15,19,24 26:10,14 104:14,20 105:8,15 105:22 106:4 111:23 112:12 177:25	everybody's (1) 108:22
			enforcing (2) 104:16 111:22	

everyone's (1) 276:22	exited (1) 168:10	8:4 9:6 18:13 31:22 32:19,22 34:14 35:3 35:16 37:5,10,15 38:2,5,12 45:17 56:15,20 61:21,24 63:2 82:7 85:3 88:7 90:3 100:18,20 101:6 123:10 127:21,24 135:11 139:13,17 152:11 154:5 162:17 167:5 171:22 178:4,18 180:9,25 185:14 186:15,23 187:19 188:6 190:17 191:20 222:7 226:8 231:17 232:9 233:3 269:24 282:14 283:11	filed (6) 54:9,12 217:17,21 238:6,24	127:19 188:10 214:3 215:12 220:13,14,18,20,25 221:4,10,19,21,23 222:6,11 223:17 262:7 289:7,12,20
evidence (1) 122:17	experience (8) 83:18 105:13 111:20 243:9 278:19 284:8 284:14 286:6	fill (1) 55:8	filing (1) 5:4	firm (3) 18:15,23 95:2
exact (5) 70:11 74:7 139:19 205:6 280:7	explain (11) 15:17 17:2 18:2 23:17 31:12 66:14 83:13 98:25 114:20 235:14 279:18	filled (4) 55:13 104:7,23 158:17	find (10) 19:8 25:7 96:19 116:2 116:24 117:2 119:5 200:16 217:16 229:23	first (85) 6:4 14:5 15:14,15 19:3,25 20:5 23:22 25:15,18 28:11,17 34:25 42:4 44:20 45:7,11,13 51:13 56:13 57:3,11 60:23 67:19 76:25 77:4,7 77:9,12,15 78:14,21 79:3 83:8 85:12 86:25 87:23 90:3 113:9 129:5,17,19 130:2,11 133:16,25 134:4 135:8 136:11 138:17 139:3 140:23 141:15,20 141:23 142:2,2,15 150:3 153:7 155:8 156:16,19 157:25 174:25 175:3,3 185:10,12 189:8 196:14,19,22 197:7 217:16 219:23,24 220:2 222:24 237:7 238:2 239:4 240:4 255:8 285:4
exactly (25) 13:3 21:10,12 36:14 44:2 67:4 70:11 75:9 77:6 88:15 89:13 90:6 108:7 111:13 139:21 146:20 147:13 172:12 193:9 229:8 243:7 247:17 264:20 287:4 288:14	express (2) 224:3,16	finalized (1) 212:9	finances (3) 62:8,12,16	
exam (4) 27:12 54:25 55:9 179:18	expressed (1) 181:23	finally (1) 240:24	find (10) 19:8 25:7 96:19 116:2 116:24 117:2 119:5 200:16 217:16 229:23	
examination (8) 8:6 27:15 32:12,20,24 243:19 245:14 281:22	expressing (1) 289:10	finding (3) 16:11 117:4 203:3	fine (7) 11:3 80:18 99:16 209:12 237:22 277:2 279:10	
examined (1) 6:4	extend (1) 26:3	father (1) 176:25	finger (6) 145:20 235:6,8,11,14 235:22	
example (1) 38:11	extent (8) 44:12 109:23 117:12 140:5 152:19 164:25 283:2 284:21	feel (3) 100:4 121:17 213:3	finish (2) 10:6 32:9	
examples (1) 257:16	eye (1) 40:11	feelings (13) 124:9 157:3 274:9,15 274:19,24 275:3,8 277:19 278:3,9 280:23 282:15	finished (2) 10:8 133:8	
exchanged (2) 78:23 217:11	E-mail (1) 150:9	feet (5) 115:3,5 264:9,10 270:4	Fiorillo (33) 4:19 58:13 60:7 78:18 78:23 79:16 93:15 109:2 129:18 195:20 201:2,4 217:10 234:14 249:16 250:23,25 251:16 252:4,23 254:13,18 255:16 260:15 261:14 275:14 276:23 277:8,10 278:20 285:24 286:3,7	
exemplary (1) 178:14	F	felony (1) 188:13		FISHBEIN (1) 4:3
exhibit (57) 12:7,8,11,15,21,24 63:18,22 64:5 67:13 67:16,20 68:4 69:6 70:7 71:7,16,17 73:3,7,11 76:8,9 82:16,20,24 135:21 136:4,11 138:4,8,14 149:5,12,18 157:17 157:21 174:7,10 214:12,14 223:20 223:20 225:9 292:13,14,15,17,18 292:19,21,23 293:4 293:5,8,10,11	face (1) 114:18	felt (15) 18:6 98:15 117:23 211:4,5 213:8 214:5 252:20 253:22 257:2 269:19 276:14,23 279:7 282:13		fitness (1) 27:15
Exhibits (5) 12:6 67:11 76:7 292:11 293:2	face-to-face (1) 113:17	female (1) 131:15		five (10) 78:4 85:23 88:4 144:22 145:4 188:13 260:3,4,19 278:4
existed (1) 63:10	facility (1) 65:4	fewer (2) 39:21,25	fire (7) 53:3 272:6,9,10,12,13 272:17	flip (1) 196:10
existence (2) 136:19,23	fact (8) 84:23 91:12 97:15 179:11 248:12,24 289:11 290:4	Fifth (2) 3:5 100:13	firearm (1) 20:24	follow (1) 201:25
exit (1) 242:10	facts (3) 57:17 122:17 294:8	fight (3) 79:8 212:12 235:24	fired (29) 91:11,15,19 114:11 116:3,11,20 121:21	following (2) 112:10 267:11
	fag (1) 74:19	fighting (1) 104:8		follows (1) 6:5
	failed (1) 179:21	figure (1) 173:23		follow-up (1) 9:15
	fair (4) 8:2 10:22 244:3 260:16	file (2) 207:9,18		follow-ups (1) 281:20
	fall (3) 22:15 42:20 43:13			foolish (1) 24:25
	falls (2) 54:21 55:7			force (1) 5:13
	familiar (2) 70:6 132:7			
	far (58)			

forced (1) 40:5 forgot (1) 225:11 form (56) 5:7 11:13 28:24 30:5 35:14 39:17 44:8 46:10 47:13,19 54:14 55:25 56:18 58:11 59:10,16,22 61:13 62:22 65:6,14 66:16,22 69:13 80:7 88:14 89:3,9,24 90:24 91:3 94:17 106:6 109:22 115:16 118:15 124:7,25 134:15 139:15 164:21 165:14 168:12 169:24 171:19 172:10,21 186:18 210:15 212:16 218:3 228:23 232:7 243:6 282:20,25 formally (1) 158:10 formed (2) 114:10 287:23 former (2) 1:10 154:24 forth (9) 117:17 144:23 145:12 198:4,13 205:20 208:16 212:25 291:7 forward (2) 176:3 196:11 found (10) 97:17 109:3 123:8 148:8 200:14,14,18 203:2 204:24 230:13 foundation (15) 34:24 45:23 67:2 84:24 111:25 112:8 122:16 129:23 130:9 172:14 179:6 198:11 283:6 284:13 290:7 four (22) 78:4 88:4,5 89:18 90:4,15,18 158:14 241:15,18 262:6 266:19 268:12,25 269:11,14,20 270:6 270:11,18 271:19 288:16 Fourth (2) 240:24 241:4	Frank (60) 1:3 4:19 60:6 77:25 78:5,18,23 79:16 86:18 93:14,16 94:6 94:11,16,19 103:7 103:11,17 104:5,13 104:21 106:14 107:16 108:9,11 109:2,11 129:17,20 195:19 206:10 207:5 210:23 217:10,13 234:13 234:16 249:16 250:23,25 251:4,16 251:24 252:3,17,19 252:23 254:13,18 255:15,21 260:16 275:13 276:23 278:20,24 279:6 285:2,23 286:3 Frank's (7) 105:9,14,23 106:4,10 106:23 108:17 free (1) 9:19 Friday (4) 40:19,23 174:19,20 friend (9) 156:21,24 157:2,7,8 157:11 184:14 250:10,21 Friendly (1) 156:25 friends (3) 185:15,22 251:3 front (5) 17:12 88:16 97:17 272:13,24 frustrate (1) 103:21 fuel (22) 163:23 164:4,7,10,12 164:20 165:5,5,9 166:5 167:4,14,18 167:21 168:10,25 169:6,13,14,17 170:22,25 fuels (5) 163:22 164:24 165:17 167:24 168:3 full (2) 32:4 147:11 fully (1) 32:5 full-time (6) 21:11,14 64:10,12,15 187:11 full-timers (1) 187:9	fun (6) 109:4,7,10,14,15 111:9 funny (15) 91:9,10 92:11,19,24 93:3 109:19 114:11 116:2,19 117:3,4 121:2 262:6,11 further (7) 5:6,10 102:21 143:3 245:12 281:17 291:9 <hr/> G <hr/> Gary (14) 56:4,6,9,12,15 135:7 135:11 162:9 163:16 210:4 211:3 211:8,11 212:12 gather (1) 257:11 gay (5) 73:16 74:19 75:16,18 75:24 Gaymor (2) 6:9 50:24 GEM (1) 114:24 general (19) 24:18 37:7 83:21 108:6 126:2 137:8 140:17 141:7 145:6 146:16 150:22 159:16 183:17 194:4 253:17 254:23,24 255:6 276:5 generally (4) 9:9 253:8,9,21 geographical (1) 38:7 George (234) 1:12 3:10 16:21 41:5 41:10,16,17 42:9 50:3 60:24 61:22,23 70:22 71:24 72:2,3 72:13,15 74:18,21 77:25 78:4,24 79:16 89:16 96:22 106:13 107:5,22 108:15 109:10 117:16 118:8,10,12,17 119:20 120:12,16 120:21,21,25 121:6 121:19 122:2,13,19 123:21 124:2,5 126:4,9,16,18 137:7 139:14,17 142:10 142:23 144:2	146:18 147:19 148:2 157:6 161:11 161:15 167:13 169:5,12,16,21 170:4,8,18 179:17 179:23 185:5,14,20 185:25 186:6 189:18,19,25 190:16 191:20 192:10,21 193:4,12 193:21,24 194:4,6 194:12,14 195:13 195:23 200:22,23 201:24 202:3,6,13 203:6,11,15,18 204:10 208:3 209:15,25 210:5,8 210:12 212:24 213:8,9,13 215:2,10 216:25 217:25 218:13 220:18,23 221:22,23 223:5,8 224:2,16 229:10 231:5,21 232:3,9 233:4 235:5,8,10,19 236:4,14,21,23 237:16 239:18,19 240:2,6,8,11,14,19 241:4,21 242:7 245:17 247:4,12,20 248:3,7 249:18,25 250:8,15,18,19 251:2,6,17,25 252:4 252:8,11,17,20,24 253:5 254:2,5,8,12 254:17 255:2,6,8,11 255:11,15,20 262:5 262:11,13,15,16,17 262:24 263:7,8,12 264:22 265:3,11,22 266:9,25 267:3,14 267:22 268:6 269:13 270:9,17 271:11,13,16 273:5 273:13 275:7,25 276:2,6,10,11,14,23 282:7 286:13 289:6 289:10,19 George's (16) 70:18,20 126:8 213:21 221:20 235:8 255:24 274:9 274:15,19 275:2,21 276:21 277:19 278:3,8 German (1) 195:24 germane (1) 238:16	getting (9) 28:6 80:13 91:11 129:8 164:24 165:4 170:16 195:10 208:6 giggling (3) 270:17,22,24 Gilbert (3) 227:24 230:10 231:10 Gilly (2) 3:3 95:2 girl (1) 195:7 girlfriend (1) 184:13 gist (7) 212:23 227:12,15 246:14,16 265:9,10 give (15) 10:15 17:24 18:5 100:17 148:3 202:3 216:2,8 245:20 246:8,19 247:5,13 248:4,8 given (10) 6:12 55:16 62:23 81:7 96:9 102:4 128:9 153:12 282:8 291:9 giving (8) 216:6 245:23 246:11 248:15 249:4 251:2 251:6 274:12 glass (1) 172:12 glasses (1) 162:24 go (76) 6:21 9:7,7 10:25 24:7 28:6,10 30:8 34:17 34:25 35:23 45:25 47:2 57:14,21 81:3 81:9,19 84:11 85:21 86:2,11 87:13,22 90:4 113:3 120:7,20 121:7 122:3,9,15 123:3,7,17,22 124:3 124:6,13,21 127:4 127:12 128:14 137:14 148:19 152:5 153:11,14 166:12 171:21 182:13,18,20 185:3 191:6 207:25 208:14 210:4 212:15,20 216:2 218:15,18 226:21 228:6,10 230:4 239:8 262:3 266:19 268:14,15,22 273:2
---	--	--	---	--

279:4 286:24 God (1) 172:16 goes (3) 48:14 116:25 175:16 going (81) 12:5 13:17 17:3 24:7 25:6 44:5,19 48:12 49:2,9,16 50:9 54:15,22 58:25 63:17 67:10 70:3 71:7 81:17 82:2,15 85:4 88:21 97:12 102:11 103:17,25 104:10 109:21 111:9 120:15 124:24 125:15,18 131:23 137:13,25 141:9 146:4,5 147:8 149:4 150:8 173:10 173:16,16 174:6 175:18 177:12 186:12 197:16 198:4 209:4,10 213:12,20 214:17 214:18 218:23,25 227:23 228:24 234:7 238:20 239:8 239:9 242:21 246:7 246:19 247:5,13 248:4,7,11 264:10 281:24 282:24 286:12 288:12,13 gonna (3) 46:24 201:25 216:2 good (21) 80:15 129:21 130:8 130:16 132:24 133:21 134:12 146:10 147:10 171:9,10 186:14 216:2 225:2 246:11 246:19 247:5,13 248:8,11 284:10 Goodstadt (4) 18:18,21 19:2,11 gotta (2) 40:10 231:7 gotten (1) 204:16 graduate (3) 35:5 51:7,16 graduated (3) 27:5 36:13 51:25 graduates (1) 177:23 graduating (1) 27:6 Graff (278)	3:7 6:21 7:11 8:4,7,16 9:8 10:12,13 12:5 12:17 20:10 23:16 24:2,16,20 26:2,8 27:14 30:6 32:18 39:8,10 41:2 43:9 44:11,14,18 45:20 49:3,7 50:6,19 53:18 56:11 57:23 58:16 63:17 65:7,21 66:12,13,19 67:10 67:18 68:20 69:7,9 70:2 71:15 73:2,9 74:2 75:2,25 76:2 77:21 79:15 80:11 80:22 81:10,17 82:5 82:7,12,15,22 83:12 86:3,4,13 92:23 94:4,25,25 95:11,19 95:21,24,25 96:18 100:2,10,17,23 101:24 102:24 103:4,14 106:18 107:20 109:25 110:12,14,23 112:15,20 113:8,10 118:9 119:16,21 122:24 125:12 131:5,9 132:13,15 135:15,20 136:8,20 138:3,10 146:10 148:23,25 149:14 149:21,23 150:10 150:24 151:6 152:21 153:5 154:14,17,18 157:12,13,16,23 158:11 163:15 164:18 165:3,12 167:19 169:9 170:6 172:8 173:21,24 174:4,12 176:2 178:23 179:5,9,15 180:2 182:14,15,24 183:9 186:4 188:11 188:15 192:22,23 193:8 194:19 196:2 196:4,16 197:22 198:7,16 199:6,8 201:3 209:10,13 212:22 214:11,16 216:22 220:22 221:14 226:17,22 228:4,10,12 229:6,9 229:16 230:23 231:2,15 232:8 233:2,9,15,24 236:6 237:11,18,23 238:7 238:12,20 239:2,24	242:4,24 243:16 245:25 246:3 247:7 247:16 248:9,16,18 255:17 256:14,17 257:25 258:21 260:5 261:25 262:19,25 264:5,24 265:5,15,19,24 266:5,11,14 267:9 267:17,20,25 268:7 268:16,18 270:20 271:4 272:15,18 273:8 274:5,10,17 274:21 275:4,9,15 275:19,23 276:15 276:24 277:3,6,9,12 277:15,21 278:10 278:22 279:12,17 279:19,25 280:15 280:25 281:4,7,10 281:19,23 290:2,14 292:4,7 Graff's (3) 9:5 274:7 279:22 Gray (4) 15:10,13,16 16:3 Great (2) 207:10 233:12 greatest (1) 216:6 grievance (1) 54:9 gripes (1) 117:8 grounds (5) 97:13 107:16 109:18 115:25 222:13 group (19) 77:10,13 91:25 241:13 255:12 263:11,13,16,18 265:25 268:15 271:5,6,7,8 272:23 279:5,6 285:10 grouped (1) 89:10 groups (1) 264:14 gruff (1) 114:16 guess (47) 19:3 20:7,21 21:20 31:13 40:13 42:12 44:2 45:15 58:24 61:22 73:18 76:17 77:25 79:25 88:3 90:11 93:16 97:11 105:20 134:4 142:15 144:21	153:18 155:19 156:12 160:20 183:4 191:9 193:20 200:22 208:5,8 213:6 215:14,24 216:3 233:23 235:17 237:16 242:15 246:21 254:24 257:14 261:17 262:4 278:17 guessing (1) 233:22 guidance (1) 96:13 guide (1) 9:20 guilty (9) 52:15,21,24 53:6,10 97:18 229:19,21,21 gung-ho (1) 93:17 Gurden (19) 126:25 165:25 219:19 219:22,23 220:8,10 220:20,24 221:24 222:5,10 223:6,17 224:4,13,20,23 225:2 Gurden's (1) 220:17 guy (6) 134:18 183:22 184:3 185:19 186:11 241:3 guys (16) 78:3 104:23 152:5 163:21 165:16,16 167:23 199:25 202:17,19 211:17 227:16 229:23 241:2 271:7 285:10 guy's (1) 241:5	162:15 170:22 291:15 handbook (7) 135:23 136:2,15,19 136:23 138:2 292:24 handcuff (4) 117:18,22 241:7 253:22 handcuffed (2) 117:24 119:6 handcuffing (3) 236:15 256:4 275:12 handcuffs (2) 118:19 119:12 handed (1) 288:23 Handing (6) 12:21 73:12 136:12 138:12 158:2 223:22 handle (2) 25:11 213:4 handled (1) 273:14 hands (2) 165:19 235:17 handwriting (1) 174:2 handwritten (1) 158:21 hang (3) 172:15 186:14 267:11 hanging (1) 173:11 happen (5) 15:13 36:23 181:7 185:6 241:8 happened (18) 61:3 79:2 88:15 90:8 90:9 101:3 105:4 156:10 200:7 204:19 207:14 210:4 214:6 223:2 230:9 235:20 239:13 287:20 happening (1) 105:23 happiness (1) 116:10 happy (9) 11:7 110:7 121:11 130:20 149:3 210:13,17 218:11 266:2 harass (1) 230:23 hard (1) 23:24
--	--	--	--	---

Hardman (3) 228:19 237:16 240:8	hearsay (2) 146:3 232:19	235:10,19 236:4,21 237:16 239:18,20 239:22 240:2 245:17 247:4,12,22 248:3,7,13 249:2,6 249:18,25 250:8,15 250:18,19 251:2,17 252:5,24 253:5 254:5,8,12,17 255:15 261:21 262:11,24 263:8,8 264:22 265:3,11,22 266:9,25 267:3,14 267:22 269:3,6,13 270:9,17 273:13 282:7 286:13,24 289:6,10,19	hour (3) 81:14 230:17 239:16	impossible (1) 100:19
hate (2) 109:2 230:7	heavy (1) 212:5		hours (7) 11:16,19 21:16,20,20 81:18 228:3	inappropriately (1) 243:12
HATTER (1) 4:3	held (9) 2:13 19:23 25:18 26:7 26:14 82:13 136:6 214:9 233:13		house (20) 88:10,10,11 187:24 236:18,19 240:16 241:9,19,23 242:2,3 242:5,6,8,11,14 243:2,5,8	inaudible (1) 128:12
Hauppauge (1) 4:15	hell (1) 108:6		huge (1) 136:25	incident (40) 79:2,5 101:17 119:22 130:19,22 131:3,11 132:4,9,17,20 133:10 206:25 207:19,23 208:19 208:23 209:6,9,15 210:2 211:9,13,23 212:14 213:16,25 214:8 224:4 225:3 228:6,7 231:10 234:13,18 244:20 249:7,14,20
head (4) 10:16 89:7 129:4 213:21	hello (1) 185:20		humorous (9) 8:11 108:23 109:3 110:6 123:8 147:21 148:4,9 289:7	incidents (1) 98:22
header (3) 139:6,7,9	hellos (1) 217:11		H-E-S-S-E (1) 72:12	include (2) 99:5 274:14
hear (47) 10:17 15:25 31:17 59:12,19,24 60:20 60:23 61:6 94:2 98:8 120:10,12,21 123:12 124:11,20 125:7 126:4,9 136:17,18,22 140:15,23 141:16 143:14 144:2 149:3 155:21 186:5 195:13,19,23 196:20 207:13 211:11,22 255:5,15 262:23 265:17 271:2 273:17 274:2 281:13,15	help (5) 100:17 130:21 131:17 131:23 132:21	Hesse's (8) 97:2 139:14,18 192:10,21 193:4,12 275:8	I	included (3) 129:13 141:11 208:3
	helpful (1) 57:20		ID (6) 84:19,25 85:5,5,8 288:22	inconvenience (1) 103:23
	helping (3) 130:25 133:4 261:22	hey (1) 46:6	idea (6) 7:21 67:6 96:15 98:24 131:16 186:14	inconvenienced (1) 104:10
	Hempstead (4) 19:22 152:23 153:10 154:25	he'll (1) 23:14	identical (1) 174:5	Incorporated (5) 1:8 3:18 135:22 136:2 292:23
	hereinbefore (1) 291:6	hide (1) 175:21	identification (14) 12:12,15 63:22 67:13 67:16 73:7 82:20 136:5 138:9 149:12 157:21 174:10 214:15 245:5	incredible (1) 195:4
	hereunto (1) 291:14	high (1) 51:7	identified (2) 183:5 185:16	Index (4) 1:7 292:2,11 293:2
	Hesse (158) 1:12 3:10 16:21 41:5 41:10,16 50:3 70:23 72:9,15 74:18 78:24 79:16 95:5,8 96:22 97:25 99:18 107:22 108:15 109:10 118:8,10,12,17 119:20 120:13,21 120:21 121:6,19 122:2,13,19 124:2,5 126:16,18 139:11 142:10 144:2 157:6 167:13 169:5,16,21 170:4,8,19 179:17 185:14 186:2,6 188:12 189:25 190:16 191:20 193:21,24 194:4,6 194:12,14 195:13 195:23 197:8 202:3 202:6,13 203:6,11 203:15,18 204:10 208:3 209:7,15,25 210:8,12 213:13 215:2,10 216:25 217:25 218:13 220:18,23 223:5 224:2,16 228:19 229:10 231:5,21 232:3,9 233:4	Highway (1) 4:14	identify (3) 48:23 95:13 191:15	indicate (10) 29:6 108:3 114:17 124:5 177:5 213:13 220:23 246:13 249:6 256:25
heard (78) 10:20 30:21 31:21 43:18 60:8 71:2,4 73:14,18 74:5,7,21 74:23 75:6,7,7 76:11 95:23 98:13 112:4 114:17 123:13 125:2,3,4,5 125:25 126:3,7,14 126:23 127:17,18 129:6,10,11 135:4 136:14 140:6,7,16 146:15 150:4 170:18 175:9,10,11 176:13 177:16 185:22,23 195:10 195:12,16,17 199:14 207:12,15 208:22 209:6 211:14 212:8 213:25 214:2 215:3 222:22,23,24 223:2 224:2 240:18 254:13 255:10,20 275:25 276:2,9 280:8	hire (4) 45:21,24 46:9 101:20	hit (2) 200:2 283:8	idiot (2) 50:5 66:4	indicated (19) 48:25 82:8 96:4 100:25 103:25 109:12 191:5 198:18 227:4,9,11 229:18 237:15 243:22 244:8 245:2 246:11 248:10 257:24
	hired (6) 21:8,10 45:17 64:13 64:18 188:9	hold (5) 20:11 26:10 33:20 51:22 58:9	illegal (2) 94:9 193:25	indicating (1) 215:25
	holy (1) 173:6	home (5) 166:13 190:5,6,10,18	illegitimacies (1) 100:21	indication (3) 148:3 216:11,20
	homeowners (1) 62:24	homosexual (2) 73:16 74:19	illness (1) 11:11	indicted (3) 96:22 227:25 230:11
	Honor (8) 95:12 96:2 97:7,15 99:14 100:23 101:14 102:23	hooked (1) 153:19	imagine (4) 100:8 119:24 153:15 217:19	indictment (2) 96:25 230:6
	hopefully (1) 281:12	hoping (2) 17:7 96:13	impede (1) 104:14	individual (7)
			impeded (1) 105:9	
			impeding (1) 103:24	
			important (3) 10:5,15 104:12	

36:17 122:8 125:22 126:11 183:5 185:15 209:2 individually (6) 1:9,10,12,15 90:5 268:9 individuals (16) 77:13 106:3,9,22 118:3 132:4,12 145:22 201:22 202:15 203:12,25 204:11 267:23 285:15,22 individual's (2) 184:8 186:7 influence (1) 9:21 information (10) 7:23 55:17 62:7 99:21 217:23 227:14 229:17,22,25 238:10 informed (1) 55:16 initiate (1) 29:5 injured (1) 235:3 injuries (1) 235:25 injury (1) 235:7 inside (19) 87:25 88:19 89:11 169:15 236:19 240:25 241:8,19 242:3 270:9 272:21 287:7,9,14,15 288:10,10 289:13 289:17 installed (5) 65:12 66:8,11,15,25 instance (2) 53:5 119:18 instances (1) 119:11 instant (2) 74:7 287:19 instruct (5) 172:17 229:3,5,12 250:9 instructed (1) 181:12 insurance (1) 15:11 intend (1) 26:3 intense (1) 73:17	intent (2) 249:8,12 intention (1) 27:25 interact (1) 31:2 interactions (1) 36:16 interest (5) 18:7 23:19 29:6 142:21 147:8 interested (3) 130:25 261:22 291:12 intermixed (1) 259:7 internal (1) 139:5 Internet (9) 150:19 151:2,12,17 151:24 152:8,9 153:20,25 interrupt (1) 23:24 interrupting (1) 181:25 interviewed (2) 29:9,15 introduce (1) 8:8 Inures (1) 44:14 investigated (2) 14:21 210:6 investigating (3) 7:16,20,22 investigation (20) 28:14,14 29:11,14 30:23 31:2,7,8,10 31:15,17 45:16 46:15 125:18 178:16 209:4 210:10,14,18 224:14 investigations (1) 7:25 invoked (1) 100:13 involved (17) 7:7 38:17 45:2 50:9 53:14 98:18 131:10 133:3 137:7 206:2 206:20,21 231:4 232:3,5,10 258:15 involvement (6) 97:2 227:21,24 234:17,19 239:21 involving (10) 50:2 79:5 132:18	205:18 231:5,22 234:13 238:15 239:18 251:17 irrelevant (2) 24:6 228:25 Island (1) 34:12 Islip (2) 190:7,7 issue (23) 7:12 25:9 38:23 39:15 39:18,21,24 57:17 58:14 59:8 97:19 110:15 115:21 140:24 141:4 172:18,18 201:21 202:10,18 227:18 250:9 253:24 issued (14) 13:10 38:21 84:19 85:8 107:16 137:11 137:15 201:18 202:5,8,11,17 203:3 203:8 issues (14) 9:24 18:8 59:21 86:21 86:24 97:11 98:20 98:24 102:13 108:10 115:24 133:11 229:2 256:15 issuing (2) 202:14,14 Italian (1) 111:14 ized (2) 76:20,21 I.D (2) 292:12 293:3 <hr/> J <hr/> Jesse (6) 233:17,18 234:3,9,13 240:25 jest (1) 74:5 job (16) 1:25 30:8 46:19 48:17 93:10 94:11 133:4 134:21,24 135:4 215:14,17 245:18 245:23 246:21 247:23 jobs (2) 215:12 273:24 Joe (21) 60:16 109:17 110:7 111:21 112:5,11,20 112:22 113:11,21	114:4 115:15,15 133:15 251:14 254:10 256:12 275:22 276:14 283:22 284:17 John (6) 77:18,22,23,24 78:5,5 Johnson (4) 1:24 2:16 291:4,18 John's (1) 77:18 join (1) 89:22 joining (1) 63:16 JOSEPH (3) 1:4,8 3:19 JR (1) 1:9 judge (30) 24:11,12 25:10 80:16 81:4 94:22,24 95:9 95:13,16,19,22 96:15 97:24 98:5,8 98:12,23 99:9,12,16 99:20 101:9,21 102:17,21,25 103:2 229:15,18 judges (1) 153:6 judge's (1) 153:3 Judi (4) 1:24 2:16 291:4,18 July (3) 12:9,13 292:14 jumped (2) 182:23 214:22 Jumping (1) 64:24 junction (2) 65:20 80:19 jurisdiction (1) 38:6 jury (9) 97:17 152:5,6,13,15 153:8 154:3,4 230:14 justice (2) 156:10,13 <hr/> K <hr/> keep (4) 40:10 148:15 159:3,6 Ken (6) 15:9 16:3 95:5 146:11 238:20 285:3 KENNETH (1)	3:23 kept (1) 211:18 Kevin (51) 1:4 3:13 60:18 73:15 74:19 75:14,22 78:2 78:4 86:18 95:8 116:14,19 117:9,15 117:16,17 118:4,14 118:18,24 119:3,5,9 119:11,25 130:2,4,7 199:13,16 200:21 200:23 203:13 250:5 251:10 253:3 253:4,19,22,25 255:23,25 256:3 259:21,24 260:17 275:2,3,8 285:2 kicking (1) 115:3 kids (5) 66:5 190:5 196:25 197:5 200:11 kind (26) 17:2,6 46:16 63:15 76:18,23 77:9 81:14 88:13 99:22 108:7 124:8 137:18 145:19 153:20,24 158:17 184:2 195:20 198:22 224:3 252:10 253:15 259:16 263:3 287:20 kinds (1) 194:11 kitchen (3) 181:6,9 191:7 knew (17) 56:20 57:19 66:23 124:8 128:11 162:11 169:10 172:12 179:21 184:12 198:19 252:12 274:8 276:21 277:18 278:3,8 knocked (2) 240:17,20 know (383) 7:9,25 8:9 10:18 11:4 11:7 14:13,21 16:2 16:5,12 18:13,22 20:21,22 21:10,12 21:18 23:3 24:8 28:25 29:2 31:22 32:19,22 33:16 34:14 35:3,16,16 36:9,13 37:4,5,10
--	---	---	--	---

37:15 38:2,5,12,23 40:6 44:4 45:17 46:2,4,5,6,7,13 48:18 49:20,21 50:15,16 55:5,6,15 56:4,10,15,22,24 57:19,24 58:6,21 59:5 61:11,17,21,25 62:2,6,20,24 63:2,4 63:5,9,11 64:18,19 65:5 66:3,6,7,11 67:3,4,5,6,7,9 71:19 72:10 74:6 75:9,13 75:14 76:18,21 77:6 78:2,25 79:3 80:13 83:16 84:22 85:3,14 87:24 88:2,7,18 89:20 92:4,4 93:6 93:12 94:19 97:5 99:21 100:16 104:8 104:9,9,24 105:17 105:18 106:14 107:3,9 108:2,5,6,7 108:18,20,21,23 109:4,13 111:7,9,12 111:13,17,18,19 113:24 114:16,19 114:20 117:20,21 118:20 119:2,4 120:14,15 121:9,17 121:24 122:10 123:11,12,14 124:16 125:4,16 127:21,24 128:18 128:25 131:14,14 132:5,12,23 134:17 134:25 137:5,21,22 138:20 139:13,17 139:21,23 140:19 140:20,21 142:17 142:18 146:3,3,6,6 146:19 147:16 148:9,11,14,19 152:7,7 154:4 156:12,25 160:18 160:19,19 162:12 162:13,13 163:24 164:2,3,5 165:20 167:5,9 168:22 169:3,15,22 171:9 171:22 172:2 173:2 173:17 174:13 175:23 176:9,16,18 176:23,25 177:3,4 177:10 178:4,18 179:4,7,8,16 180:9 180:25 181:7 183:12 184:2,7,15 185:14 186:13,13	186:15,23 188:3,7 189:7,8 190:9,15,17 190:23 191:20 192:18 193:10,11 195:5,8 196:7,9 197:3,11,21 199:13 199:20,24 202:10 203:24 204:4,23 205:3,4,7 206:19 207:3,10 208:9,10 208:10,19 209:20 209:24 211:3,5,14 211:21,25 213:9,20 217:10,22 219:14 219:24 220:10,16 221:3,21 222:7,24 223:8 224:19 225:12,23 226:5,9 227:18 230:9 231:17 232:9 233:3 233:7,21 234:9 235:5,17,25 236:2 237:5 238:5,19,23 239:12 241:2,3 244:16 246:24 247:3,18,19,19 251:25 252:7 253:9 253:15 254:25 255:22 256:18 257:2,7 259:18 262:15,22 263:10 263:20,24 264:16 265:9,10 270:16,23 270:25 272:3 274:15,24 275:2,6 275:20 276:18 278:24 279:7 280:2 280:7,9,18 282:22 285:17 286:20 288:24 knowledge (25) 56:20 57:6 58:5 62:9 151:14 158:6 159:16 171:6 176:5 176:10 180:17 182:4,10,17 187:7 192:24 193:3 199:20 205:14 232:18 272:20,24 273:3 282:22 286:19 known (6) 35:22 183:5,13 193:24 225:19 252:10 knows (4) 7:10 23:5 84:23 140:5 K.ROGERS (1) 1:10	L lady (1) 211:15 laid (1) 110:19 Lamm (38) 1:4 60:18 68:23 69:6 69:11 73:15 74:19 75:22 116:14,19 117:9 118:4,14,18 118:24 119:11 130:2,5,7 197:13 199:13,16 203:13 203:16 204:12 250:6 251:10 253:4 253:4,20 255:23,25 259:20 261:19 275:2,3,8 277:14 Lane (2) 6:9 50:24 laptop (3) 153:12,16,18 large (1) 123:24 late (2) 80:13,14 laughing (30) 123:9 262:12,13,16 262:18,24 263:4,5 263:17,19 264:15 264:23 265:4,12 266:7,17,21 270:23 270:25 271:2,5,16 273:18,22,23 289:6 289:19,21,24 290:10 laughter (2) 265:25 289:11 law (17) 4:11 18:15 25:15,18 25:24 26:10,14 95:2 104:16,20 105:8,15 105:22 106:4 111:23 112:12 177:25 laws (2) 104:14 171:7 lawsuit (20) 97:20 110:15 217:17 217:23 218:2,9 221:9,9,12 223:7 229:2 233:16 234:3 236:2 238:3,5,11,13 238:14,17 lawsuits (2) 232:24 233:4 lawyer (4) 18:9 101:24 234:5,6	lawyers (1) 9:13 lay (1) 198:10 lead (1) 246:18 leads (1) 97:18 learn (11) 28:22 30:2 36:2,5 59:3 86:25 87:21 120:6 129:12 180:4 257:16 learned (1) 176:11 leave (4) 8:17 167:3 243:4 268:4 leaving (10) 91:2 92:8 116:19 166:5,11,12 167:21 167:24 168:17 218:25 led (8) 24:22 105:14 108:4 210:8 224:4 225:3 237:19 246:17 left (10) 87:25 120:19 121:4 123:12 138:25 161:15 163:22 188:25 200:9 266:19 legal (1) 16:12 legally (1) 101:15 legitimacy (1) 100:20 legitimate (1) 100:5 legitimately (1) 100:13 legs (1) 257:19 letter (12) 15:22 16:6 82:25 83:6 83:7 84:17 138:7,23 225:13,18,25 293:4 let's (15) 25:7 76:6 77:17 148:13 153:11 172:23 182:21 188:12 209:19 214:24 256:12 258:17 259:10 262:3 276:19 level (3) 152:7 271:25 279:3	LI (5) 139:11,22 140:3,5,17 liaison (1) 176:14 lid (1) 171:2 lies (2) 143:22 144:8 life (1) 116:23 lighthouse (2) 78:9 219:4 lights (1) 240:17 liked (10) 93:11 134:17 224:9 252:19 278:20,24 278:24,25 279:2 280:13 likes (1) 204:11 limit (2) 9:20 38:7 limited (1) 152:13 line (33) 58:24 88:14,16,19,25 89:6,7,11,15,16,19 89:22 90:2 94:24 139:3,4,22 143:20 158:21 198:4 255:20 287:23 288:2,3,5,8,13 294:11,13,15,17,19 294:21 lines (1) 139:7 Lisa (7) 132:2,5,7,18 205:18 205:23 207:3 list (3) 28:12 57:14,21 listen (1) 7:15 Literally (1) 228:2 little (15) 9:15 58:19 70:6 84:7 94:7 104:11 109:15 114:22 117:14 146:6 198:23 205:6 259:21,22 276:4 live (7) 50:23 51:3 186:17,19 189:25 190:9,13 lived (3) 50:25 187:2 190:5 LiveNote (1) 2:18
---	---	---	--	---

lives (2) 132:6,8	139:20 154:15 165:16,17 173:5	marks (3) 3:9 95:8 175:4	83:17,19 84:2,20,23 85:8,18,20,20,25	168:2 264:2,17 287:10,15,15
living (1) 189:13	193:14 219:3,4 227:20 252:19	marriage (1) 291:11	86:9,15,20 87:4,5 87:12,13,17,21	mind (1) 223:11
LLP (5) 2:14 3:3,16 4:3 95:6	256:24 260:18 279:15,16,22,23	Maryanne (1) 219:14	89:23 111:8 116:20 120:4,20 121:3,3,7	Mineola (1) 4:7
location (2) 82:8 219:2	loud (1) 177:13	masses (2) 258:7,14	122:4,9 123:6,16,18 123:21 137:18,23	Minerva (1) 219:14
locations (1) 153:10	loudly (1) 123:13	master (1) 180:11	178:18 208:2 244:5 244:6 262:4 267:13	minute (6) 60:13 129:6 198:8 227:22 242:20 256:13
locker (2) 188:17,18	loudmouth (1) 224:15	masters (2) 180:4,9	267:16 286:12,15 286:19 287:7,12,16	minutes (6) 85:23 198:18 263:6 263:10 265:23 287:8
lockers (5) 189:2,5,6,9,11	lying (1) 148:13	matter (7) 99:3,4 103:23 110:25 116:23 239:17 291:13	288:18,21,21 289:12,18,18	mischaracterizing (1) 248:19
Loeffler (7) 1:9 3:19 176:10,19,23 177:6 219:10	M	matters (1) 53:17	meetings (6) 40:12 83:22 84:9 137:15,19,24	misdemeanor (3) 52:25 53:6,10
log (1) 103:19	magnetometer (1) 156:11	mayor (11) 1:8,10 15:8 46:6 176:11,17,18,23 177:6 219:9,12	member (2) 63:2 153:24	misery (1) 117:3
long (13) 19:23 34:12 50:25 66:24 81:8,11 211:17 217:20,21 218:14 239:11 263:5 270:2	main (3) 154:9,13 187:2	mean (52) 8:17 20:23 21:11 23:23 35:22 45:25 46:5 56:19 58:12 74:4 76:20 82:25 83:4,6 92:2 93:18 101:19 120:14 128:15 134:17 140:17 142:2 146:6 147:2 148:21 150:20 153:22 155:18 158:10 160:18 161:6,9 186:19 188:4 208:5 208:10 209:18 210:13 212:23 228:5 230:3,7 252:10 253:9,16 254:24 256:3,20,21 278:13 284:2,25	members (3) 112:23,24 280:14	misinterpretation (1) 99:15
longer (3) 97:3 110:18 242:14	maintain (1) 225:17	means (9) 9:2 57:22 76:16,18 110:21 140:5 144:8 144:14 257:7	membership (1) 63:6	missed (2) 137:17 157:12
longest (1) 57:16	maintained (1) 188:6	med (1) 131:15	Memorial (1) 4:14	misunderstood (2) 140:15 170:7
look (10) 8:19 12:19 63:25 136:10 138:11 147:7 157:24 174:22 204:14 205:11	majority (2) 88:8 278:21	medical (3) 27:12 31:14,25	memory (4) 69:10 144:21 145:10 204:19	mixed (2) 148:8 190:20
looked (3) 14:23 16:11 173:4	making (12) 6:17 68:2 69:2 109:10 109:14 121:20 137:6 155:17 197:8 203:9 232:23 254:13	medications (1) 11:10	mentality (1) 117:6	mixture (1) 213:19
looking (12) 13:2 52:17 64:8,9 65:2 67:19 125:19 138:19 146:20 215:14,17 246:21	male (1) 131:15	meet (18) 56:12 57:3 78:10,11 80:8 88:6 129:17 130:2,11 133:16,25 155:8,11,13 219:23 267:14 284:2 286:24	mentioned (12) 9:9 11:25 13:14 26:16 38:20 107:4 126:15 126:16 156:14 185:23 225:15 285:8	mockery (2) 121:18,20
looks (1) 195:8	Manhattan (1) 185:24	meeting (58) 40:4 43:25 77:14 83:9	merged (1) 34:12	mocking (3) 122:3,15,20
loser (1) 203:16	manner (5) 112:17 114:8 115:17 115:22 273:7		merry (1) 9:7	modified (1) 225:21
loss (1) 24:4	mannerism (2) 112:22 114:14		message (1) 143:23	Moeller (9) 28:21,22 155:5,9,16 155:25 156:4,21 157:4
lost (1) 24:5	mannerisms (2) 111:18 284:4		met (7) 8:9 88:4 134:4 155:25 156:19 286:13,20	moment (6) 25:5 149:22 180:15 181:16 225:10 233:10
lot (43) 74:22 76:22,22 77:24 78:8,8,22 79:19 80:4 91:8 92:9,10 92:12,18,19,21 93:7 93:19 101:19 103:16,20 111:9 117:5 118:21 125:9 125:14 128:12	marijuana (1) 193:18		Metaphorically (1) 196:5	money (7) 44:3 60:25 61:9 62:21 62:23 63:14 101:19
	mark (9) 12:6 63:18 73:3 82:16 135:21 138:4 149:4 157:17 174:6		middle (6) 103:15 107:10,12 158:19 241:14,16	months (4) 43:13 158:14 206:24 266:4
	marked (21) 12:11,14,20 63:21 64:5 67:10,12,15,20 73:6 82:19,24 136:4 136:10 138:8,14 149:11 157:20 174:9 214:14 225:8		midnight (2) 170:11 285:21	mood (2) 131:25 133:2
			midnights (1) 134:9	Moran (2) 113:25 114:3
			Mill (1) 3:11	morning (4) 40:19,20,21 191:4
			Miller (1) 195:6	
			milling (6)	

motherfucker (6) 112:6 113:15,21 114:5,6,18	1:10 3:19 nature (8) 48:9,23 53:24 75:21 104:4 140:10 141:17 159:17	113:5,12,21 114:4 115:15,16 133:15 251:14 254:10 256:6,12 260:9,11 261:6 275:22 276:14 277:2 282:16 283:11,22 284:9,14,17	66:10,16,18,22 67:2 68:5,10,19 69:4,13 69:22 70:15 71:10 72:6 73:23 74:24 75:23 77:19 79:13 80:6 81:4,12 82:2 83:11,14,23 84:6,12 84:21 85:10,19,22 86:8 87:8 89:3,9,24 90:24 91:3,16 92:14 93:22,24 94:17 95:4 95:6 97:7,8 98:3,6 98:10 99:13 102:23 103:13 104:2,17,22 105:5,10 106:6,24 107:19,24 108:13 109:21 110:9,20 111:24 112:7,14,18 113:2,16 114:12 115:19 116:4,12,21 117:10 118:5,15 119:14,19 121:22 122:6,16,22 124:7 124:15,24 125:10 126:6,12 127:6,13 128:7 129:14,22 130:9,18 134:13 135:14,18 136:18 139:15,24 140:4,25 141:3,22 142:8 143:9 144:10,15 145:9,17 146:7,12 147:23 148:5,21,24 149:20 150:8,13,20 152:24 154:6,13,15 157:9 158:10 164:14,16,21 165:10,14 166:6,17 167:15,17 168:12 168:18 169:7,24 170:3 171:19 172:6 172:10,21 173:19 173:22 175:8,14,19 175:24 176:8 177:9 178:7,22 179:3,6,11 179:22 182:6,8,20 183:8,14,21 184:19 184:21 185:17,25 186:18 187:4 188:9 188:12 191:13 192:12,19 193:6 195:25 196:23 197:10,20 198:3,10 198:21 199:3,5,17 200:25 207:17 208:24 209:12 212:16,21 215:6 216:10,13,17 218:3 220:12,20 221:17	222:8,14 223:13 224:6,12 225:5 227:22 228:5,17,22 229:8,11,24 231:8 232:12,14 233:11 236:3 237:9,12,21 238:4,9,14,22 239:16 241:25 242:16 243:6,13 245:15 246:2,5,6 248:17,21 258:23 260:7,8 264:7 265:16 266:12,16 266:22 267:18 268:17,19 272:16 272:19 274:11 277:22 279:14 281:17 282:10,21 283:6,17 284:11,13 284:18,20 286:10 289:3,15,22 290:7 292:6 Novikoff's (1) 281:20 number (15) 39:3,15 63:19,21 80:12 82:17 103:19 103:19,24 157:18 196:15 223:21 266:3 273:21 292:16 numbered (3) 149:6,9 293:5 numbers (5) 104:5 135:23 136:3 138:6 292:25 numerous (1) 33:6 NYPD (1) 64:18
<hr/> N <hr/>				
nailed (1) 109:25 name (31) 6:7 18:16,18 28:12 29:8 46:13 68:23 69:11 70:18,20 77:18 126:15,19 132:2,6 140:19,20 140:20 156:14 165:23 184:8,11 191:15 195:5,9,11 206:8,14 233:19 294:2,4 named (5) 6:14 113:25 177:16 195:5 233:4 names (6) 57:15 70:17 72:4 131:16 132:11 285:7 name's (1) 132:7 nap (1) 135:4 naps (1) 135:2 narcotics (1) 11:16 narrow (4) 47:15 52:2,10 58:16 Nassau (2) 154:16 155:10 NATALIE (2)	needed (1) 272:22 needless (1) 213:5 negative (1) 282:9 neutral (2) 247:6,14 never (26) 19:5 31:21 40:4 73:13 73:17 113:7,14 119:15,16 128:12 129:11 142:22 147:7 178:15 184:6 185:22,23 188:18 205:20 212:8 213:25 214:2 252:11,12 255:7 282:23 new (32) 1:2,18,18 2:2,15,19 3:6,6,12,22 4:7,15 6:10 19:16,17 38:15 38:16 65:2,22 66:7 66:11,15,25 67:3,6 67:8 84:19 85:5,8 137:15 288:22 291:5 Newsday (3) 230:16 238:7,9 nice (1) 134:18 night (16) 41:7,13 77:4,7,9 78:16 103:16 107:10,12 133:3 186:6 210:24 214:5 228:7,8 260:11 Nine (1) 40:21 Nods (1) 10:16 Nofi (33) 1:4 60:16 86:18 109:17 110:4,7 111:7,21 112:5,21	Noff's (3) 112:11,22 282:18 noise (3) 234:20 237:4 240:16 non-continued (1) 87:7 non-literal (1) 196:5 non-substantively (1) 7:14 Notary (2) 2:19 291:4 note (21) 43:15 54:13 68:10 71:10 80:6 84:21 85:10 112:14,18 113:2,16 115:19 116:12,21 131:5 183:8,21 184:21 198:3 228:22 232:12 noted (1) 290:16 notice (4) 2:16 17:10 100:11 152:11 notified (1) 45:10 notify (1) 113:4 Novikoff (353) 3:23 6:16,20,25 7:9 7:15,19 8:12,15,24 9:5,9,16 10:6,11 11:13 13:8 20:8,20 21:17 23:7,13,23 24:3 25:22 26:5,22 27:10,13 28:24 30:5 30:9 31:19 32:2,8 32:13,15,21 34:19 34:24 35:7,14,20 37:13,21 38:9 39:6 39:9,17 40:21,23 43:6,15 44:6,16 45:19,23 46:10 47:13,19 48:13,21 49:4 50:4,17 52:7 54:13 55:25 56:18 57:10,13 58:11 59:10,16,22 61:13 62:22 65:6,14,19	222:8,14 223:13 224:6,12 225:5 227:22 228:5,17,22 229:8,11,24 231:8 232:12,14 233:11 236:3 237:9,12,21 238:4,9,14,22 239:16 241:25 242:16 243:6,13 245:15 246:2,5,6 248:17,21 258:23 260:7,8 264:7 265:16 266:12,16 266:22 267:18 268:17,19 272:16 272:19 274:11 277:22 279:14 281:17 282:10,21 283:6,17 284:11,13 284:18,20 286:10 289:3,15,22 290:7 292:6 Novikoff's (1) 281:20 number (15) 39:3,15 63:19,21 80:12 82:17 103:19 103:19,24 157:18 196:15 223:21 266:3 273:21 292:16 numbered (3) 149:6,9 293:5 numbers (5) 104:5 135:23 136:3 138:6 292:25 numerous (1) 33:6 NYPD (1) 64:18	<hr/> O <hr/>
				oath (4) 5:13 47:6,12,18 object (7) 9:17 97:13,21 106:25 109:21 124:25 172:13 objected (1) 101:6 objection (317) 11:13 13:8 20:20 21:17 26:22 27:10 27:13 28:24 30:5,9 31:19,20 32:2,8,13 32:16,21 34:19,24 35:7,8,14,20 37:13 37:21 38:9 39:17 43:15 44:13 45:19

45:23 46:10 47:13 47:19 54:13 55:25 56:18 57:10 58:11 59:10,16,22 61:13 62:22 65:6,14,19 66:9,16,22 67:2 68:5,6,10 69:13 70:15 71:10 72:6 74:11 80:6,7 83:11 83:14,23 84:21 85:10,19 87:8 89:3 89:9,24 90:24 91:3 91:16 93:22 94:17 104:2,4,17,22 105:5 105:10 106:4,6 107:19 108:13 110:13 111:24 112:7,14,18 113:2,6 113:16 114:12 115:19 116:4,12,21 117:10 118:5,15 119:14 121:22,23 122:5,6,16,22,23 124:7,17 126:6,12 126:13 127:6,7,13 127:14 128:7,8 129:22,24 130:9,18 134:15,16 135:14 135:18 139:15,24 139:25 140:4,25 141:2,22 142:8 143:9 144:10,11,15 144:16 145:8,9,17 147:22,23 148:5,6 150:13,20 152:18 163:20 164:14,15 164:21 165:2,14 166:6,9,17,18 167:15,16 168:12 168:18,19 169:24 169:25 171:19,20 172:10,22 175:8,14 176:8 177:9 178:7 178:22 179:3,5,10 179:19,22 180:7 182:6 183:7,8,14,15 183:21 184:21 185:17,18 186:8,18 187:4,22 190:3 191:13,24 194:9,18 194:25 196:3,6,23 197:10,20 198:3,21 199:3,17 203:22 207:17 209:16 210:15 212:16 213:17 215:6,7 216:10 218:3 220:12,15 221:18 222:8,14 223:13,14	224:6,7 225:5,6 228:22 232:7,12,13 232:22 241:24 243:6,13 245:25 247:7,16 248:9,16 255:17 256:17 261:25 262:19,25 264:5,24 265:5,15 265:19,24 266:5,11 267:17,20,25 268:7 268:16 270:20 271:4 272:15,18 273:8 274:5,10,17 274:21,22 275:4,5,9 275:10,15,19,23 276:15,16,24 277:3 277:6,9,12,15,21 278:10,22 279:13 279:19,25 280:15 280:25 281:4,7,10 282:10,11,20,21 283:6,7,17 284:11 284:12,18 286:10 287:18 289:14,15 290:7,8 objectionable (1) 228:24 objections (5) 5:7 9:18 44:7,8 198:15 obligation (1) 101:22 OBPD (1) 178:13 observation (1) 235:3 observations (4) 115:15 243:10 290:12 290:13 observe (5) 111:21 112:16 134:20 134:22 187:12 observed (8) 113:14 134:24 135:4 148:17 171:16 222:21 241:12 289:10 obstructionist (1) 230:8 obtained (5) 17:12 45:11 173:18 174:13 244:14 obtaining (2) 15:6,18 obvious (1) 288:11 obviously (33) 10:16 35:22 44:4,8 46:12 50:14 71:21	83:4 89:10 97:13 108:21 120:23,25 122:8 133:4 137:7 148:11 200:21 202:16 208:8,12,14 210:19 211:3 212:3 212:5 214:4 216:5 218:4,10 235:16,24 288:10 occasion (5) 47:11 161:4 180:21 180:21 261:23 occasions (5) 107:17 164:23 168:8 169:20 286:2 occurred (1) 244:6 Ocean (166) 1:8,11 3:18,19 16:16 16:17 20:2,6,15 21:4,22 22:4,12,20 23:2 24:23 25:14 26:12,17,21 27:8 28:2,7,18,23 29:5 29:15,19 30:12,22 31:18,23 33:21 34:15 35:4,13,19 36:12,19 37:3,6,9 37:16,17 38:3,21 42:22,25 43:19 44:21 45:4,12,18 46:19 47:3,10 49:12 49:24 55:22 56:8,17 56:25 58:9 59:7,13 59:21 60:21 61:7,18 61:24 62:20 63:3,10 63:14 64:13 65:13 65:17 68:15,22 72:24 73:15 75:22 76:4 77:2 78:15 86:22 96:8,21 97:4 98:16 101:4 105:16 106:3 108:12 110:18 113:24 125:24 127:21,23 128:4 129:21 130:8 133:18 135:8,12,23 136:2,14 137:3 138:5 139:4 141:12 142:3 149:7,11 154:21,24 156:2,5 156:15 158:8,24 161:17 171:12,18 171:24,25 172:5,19 176:5,6,14,18,19 177:5 178:6,25 180:3 181:23 185:10 186:16,24 186:24 187:16	190:18 194:8,16 195:21 215:12 217:17 220:11 222:6 225:22 226:13 227:3 228:14 229:9 231:13,19 233:16 234:21 259:12 284:22 292:24 293:7 294:2 October (1) 20:3 offenses (1) 39:25 office (6) 7:7 13:11 191:22 192:10 193:4,12 officer (96) 5:12 19:19 20:13,18 21:4,22 22:12,20 23:2 25:21,23 26:4 26:6,9,13 27:8 28:2 28:7,18 29:16 30:4 31:23 32:7 33:6,20 33:21 35:4,12,19 36:11 37:3 38:17 39:4 43:2 45:11,18 46:19 47:3,9,10,16 51:21,24,24 54:24 56:7,16,25 57:8,9 58:8 77:2 127:22 128:4 129:21 130:8 130:17 133:12,22 134:12 137:12 150:16 151:5 152:17,24 154:22 155:14 158:9,12,24 160:17,20 172:3 177:2 178:6 179:7 180:21 181:16,24 197:9,13 200:5 203:16 204:12 222:18,23 223:16 225:22 234:2 236:24 243:10 250:9 282:19 283:5 283:13 284:10 officers (53) 34:15,17 37:6,9,17 38:3 55:22,23 63:9 64:11,13 83:20 89:25 96:21 104:15 104:15 139:11 143:20,24 144:4 151:15,22 154:25 161:18,23 163:17 164:23 165:4,8,21 167:3,8,14 168:7 171:16,23 180:5	181:10,22 187:2 191:11 201:21 206:21 214:5 222:5 222:16 230:11 243:11 256:15 266:3 267:15 273:10 278:21 officer's (1) 33:5 offices (1) 2:14 official (5) 1:9,11,13,15 47:10 oh (3) 75:18 156:14 214:2 okay (48) 12:24 13:5,20 15:16 16:14 18:8 35:25 44:16,17 54:23 64:3 65:10 101:9 110:22 111:7 122:2 137:24 148:20 168:4,24 176:13 177:14,22 179:9 180:16 181:18 183:3 196:17 198:2,16,17 198:25 199:14 201:17 205:13 214:24 244:25 248:21 251:10,23 255:3 256:20 262:13 267:12 269:8 274:25,25 276:4 old (6) 4:6 66:17 203:24 204:4,6 227:8 once (13) 19:6 22:6,14 48:3 88:22 142:24 159:6 191:4 201:24 202:25 279:3 287:14 289:17 ones (7) 13:2 34:11 84:8 163:3 166:2 169:13 202:23 one-page (13) 63:18,20 73:4,5 82:17 82:18 157:17,19 223:21 292:15,19 292:21 293:8 ongoing (2) 7:24 72:20 open (6) 53:3 117:21,25 119:5 171:6 240:21 operate (1) 224:10
---	---	---	---	--

opinion (19) 212:10 213:7,23 243:11 249:25 251:24 252:11,13 252:17,18 253:10 253:25 273:4 275:21 278:3 279:4 282:25 283:22 286:7	o0o (1) 5:17	224:14 259:11 263:12,16 264:21 264:25	65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1,15 95:18 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1,9 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 160:13,15 161:1,5 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1,10 188:1 189:1 190:1 191:1 192:1 193:1 194:1 195:1 196:1 197:1 198:1 199:1 200:1 201:1 202:1 203:1 204:1 205:1 206:1 207:1 208:1 209:1 210:1 211:1 212:1 213:1 214:1 215:1 216:1 217:1 218:1 219:1 220:1 221:1 222:1 223:1 224:1 225:1 226:1 227:1 228:1 229:1 230:1 231:1 232:1 233:1 234:1 235:1 236:1 237:1 238:1 239:1 240:1 241:1 242:1 243:1 244:1	245:1 246:1 247:1 248:1 249:1 250:1 251:1 252:1 253:1 254:1 255:1 256:1 257:1 258:1 259:1 260:1 261:1 262:1 263:1 264:1 265:1 266:1 267:1 268:1 269:1 270:1 271:1 272:1 273:1 274:1 275:1 276:1 277:1 278:1 279:1 280:1 281:1 282:1 283:1 284:1 285:1 286:1 287:1 288:1 289:1 290:1,18 294:4,24
opinions (4) 117:11 252:16 253:14 253:14	P	particular (20) 19:20 34:6 36:17 43:13 93:2,4,13 99:23 101:12 102:8 106:2 109:6 117:7 118:2 145:15,15 148:17 172:19 181:13 284:25		
opposed (5) 153:2 254:2 257:3,5 265:7	P (6) 63:19,21 73:4,6 292:16,20	particularly (3) 57:20 106:10,22		
opposite (1) 166:8	pace (1) 81:17	parties (5) 5:4 9:13 61:25 232:20 291:11		
options (1) 14:24	pack (1) 92:14	partners (1) 259:3		pay (1) 14:25
order (4) 99:3 131:8 206:4,16	paid (6) 20:25 21:2 62:6 72:20 80:3 159:23	parts (1) 27:18		paying (2) 88:14 288:12
ordered (1) 88:2	painful (1) 228:11	party (6) 49:14 62:4,5 185:2 186:12 264:19		PBA (14) 60:21,25 61:7,11,18 61:24 62:8,21 63:3 63:6,11,14 137:20 137:22
ordering (2) 164:12,17	palpably (1) 228:25	partying (1) 190:22		PBA's (2) 62:12,16
original (3) 176:25 223:2 276:20	papers (1) 50:5	part-time (2) 21:15 42:20		Peace (1) 51:24
originally (2) 18:16 204:17	paperwork (13) 36:15 44:22,25 45:3 131:19,20,21,24 132:21 133:7 221:2 221:3,11	pass (3) 105:21 143:23 179:24		pedophile (2) 150:3,5
osmosis (3) 278:7,11,13	Paradiso (7) 29:20,21,22 42:11,16 210:4 249:11	passed (4) 45:15 179:23 287:6 287:11		pending (4) 48:19 84:13 226:19 226:23
outcome (1) 291:12	paragraph (16) 64:8,24 173:23 176:3 177:11,21 178:12 180:14,18 181:15 181:20 182:25 196:10,14 205:12 208:18	passing (2) 179:17,18		people (117) 38:8,11 46:15,22,25 56:3 62:25 71:2 74:13,22 76:3 77:11 88:20 89:15 90:4 91:8,20,25 92:10,12 92:19,22 93:4,7,17 94:2 106:9,21 107:2 107:3 108:11,18,25 109:18 110:6 111:9 112:13 114:10 116:2,18,23 117:2 117:14,18 118:7,18 118:21 119:11 120:15 121:8 122:14 123:8 125:9 125:14 131:12 135:2 140:23 141:6 141:16 142:5,11 143:4,6,14 146:4 148:18 162:8,18 164:17 167:12,18 167:20 168:5 170:11 190:20 204:4 206:3 209:7
outside (30) 38:14 50:10 87:24 88:9,13,18 89:5,10 89:15,23 169:15 190:18 212:8 241:10,20,22 242:2 242:5,9,15 243:2,3 243:3 266:24 267:2 268:9 270:5,10,14 287:22	paragraphs (4) 175:19,20 198:5 244:19	Pat (1) 285:5		
overheard (1) 120:17	paraphernalia (5) 200:15 203:2,4 204:24 245:10	patience (1) 243:17		
overlapped (1) 161:16	parents (1) 187:24	patrol (1) 37:4		
oversaw (1) 62:8	parking (7) 77:24 78:8,22 79:19 80:4 219:3,4	patrolling (1) 259:12		
overseeing (2) 62:12,15	part (21) 9:12 31:3 42:20 44:22 46:18 54:20,23 70:25 71:8 91:25 94:11 101:5 121:16 209:3 216:14	Paul (303) 1:18 2:13 3:1 4:1 5:1 6:1,2,9 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1,23		
ownership (1) 245:9				
O'BRIEN (1) 3:9				
O'Neil (1) 95:8				
O'NEILL (1) 3:9				

240:18 241:13,16 241:18,22,25 253:23 255:12 256:24 257:14 263:13,19,20 264:2 264:13,15 267:15 273:21 278:16,25 279:3,15,23 283:3 283:14,16 285:6,8 286:16 287:7,9,11 287:14,21,23 289:13,17,21,24 people's (3) 117:2 282:15 283:11 perceive (1) 108:4 percent (7) 61:22 77:8 108:22 152:3 221:6,7 271:9 perception (2) 283:3,4 perfect (1) 209:9 performance (4) 135:11 158:7,12 283:13 performed (2) 178:13 283:5 period (4) 52:3,11,18 264:14 permitted (1) 31:22 person (31) 9:10 29:4 64:21 74:14 74:17 75:10,11 88:21 92:4 94:14 109:8 111:8 135:3 167:10 170:13,13 177:16 183:6,19 195:5,15 219:21 223:11 227:13 237:17 240:4 245:18 250:10 268:4,5 279:6 personal (12) 49:10 166:15 182:9 182:17 185:15 209:20 232:18 255:2 257:23 271:25 279:3 282:22 personally (17) 14:22 105:13 113:17 198:12 209:18 221:25 224:18 231:4 232:15 259:14 262:20 272:8,9 281:2,3,8 286:20	pertained (1) 273:24 pertains (1) 50:10 phone (3) 97:15 181:17 182:2 photocopy (5) 67:12,15 222:16 292:17,18 photocopying (3) 221:2,19 222:12 photographs (1) 67:11 phrase (4) 35:11 125:25 175:5 195:24 physical (8) 27:15,20 31:25 236:4 236:7,11 237:19 239:14 picture (6) 184:10 196:8 268:24 269:9 288:25 289:2 pictures (1) 288:24 Pinkie (1) 235:9 pipe (2) 200:17 205:8 pissed (7) 106:13 107:24 108:8 109:12 148:9 212:4 214:3 place (16) 48:7 68:25 121:4 131:3 152:2 186:11 186:25 187:3 212:4 230:2 240:19 250:2 255:8 264:11 270:3 273:23 plaintiff (4) 49:15 53:15 89:18 233:17 plaintiffs (87) 1:5 3:4 16:24 85:13 85:17,25 86:10,15 87:2,7,12,17,22 88:25 89:2,7 90:4 95:3 120:19,22 121:4,7,20 122:3,15 122:20 123:2,6,17 123:21 124:3,6,12 124:12,20,21 125:8 125:22 145:4 147:20 148:3 155:23 177:23 178:13,19 207:25 208:4 212:15,20 213:15 215:4,11	216:25 217:5,17 219:9,17 222:4 243:23 244:4 247:23 262:6 266:19 268:14 273:19 274:4 277:20 278:4,9 279:8,23 280:13,24 281:9,13,15 284:22 286:14,23 287:22 288:2,5,7 289:7,11 289:20 290:4 Plaintiff's (13) 12:11,14 63:22 67:13 67:16 73:7 82:20 136:4 138:8 149:12 157:21 174:10 214:14 plastic (2) 168:14 171:3 Plaza (3) 2:2,15 3:21 plea (6) 99:8,9,10,12 229:20 229:21 plead (7) 52:14,21,24 53:6,10 100:9 229:21 please (15) 6:7 10:18 58:20 63:25 73:3 95:14 114:23 132:12 135:21 148:19 157:16 179:12 183:2 225:10 238:21 pled (4) 98:6,10 230:5,13 plugs (2) 153:16,18 point (55) 10:24 11:5 15:17,20 22:22 25:6 31:16 35:25 36:23 37:16 65:21,25 66:8 80:11 85:18 89:8,22 100:7 109:15 120:6 124:2 125:23 128:5 131:7 132:10 136:17 141:15 142:18 144:17 145:14 148:18 151:22 156:20 157:4,6 162:7 163:9 173:7 175:21 186:15 189:21 191:21 192:13 225:21 226:11 227:2 242:13,25 243:7 249:17 280:12,16	287:5 288:20,21 pointing (3) 145:20 192:13,16 police (181) 1:11,12,13 3:20 20:13 20:18 21:4,22 22:12 22:20 23:2 26:18,24 27:6,8,25 28:7,18 29:16,19,23 30:4,14 30:22 31:6,23 32:7 32:9 33:5,14,21 34:15,18,21,22 35:2 35:4,5,12,18,23 36:11 37:2,6,9 38:16 39:4 43:2,19 44:20 45:2,11,18 46:17,19 47:3,10 51:21 54:24 55:6,21 55:23 56:7,16,24 57:8,9 58:8 59:7 64:10,12 65:3,13,17 66:21 68:15,22 72:24 75:22 76:4,25 86:23 96:21 106:3 112:24 127:22 129:21 130:8,17 133:11,21 134:12 137:3,12 139:4,18 141:12 143:6,8 144:3 146:15 149:8 149:11 154:21,25 158:9,12,16,24 159:7 160:17,20 161:3,18,18,24 162:10,25 163:6,7,8 163:17,18 164:13 164:23 165:6,9 166:5,14 167:22 175:16 176:6,12,14 176:20,24 177:2,7 177:24 178:3,5 179:7 180:5,10,20 181:10,23,25 186:17,20,25 187:2 188:17,21 190:9,24 191:11,23 206:21 222:5 225:22 230:11 231:12,18 231:23 232:4,10 233:6 243:9,11 247:24 250:9 251:18 266:3 278:21 280:14 282:19 283:5,13 284:10 293:7 Politics (5) 139:12,22 140:3,5,17 polygraph (5) 27:20 31:25 54:25	55:9,18 pop (1) 148:2 popped (3) 129:4 147:14,19 popping (1) 146:18 portion (8) 52:8 71:17 92:16 106:19 124:18 216:18 226:24 248:23 posed (2) 9:21 101:23 position (29) 14:4 19:17,23 20:11 24:8 25:16,19,24 26:12,13 28:7,8,18 29:10,16,23 30:13 32:24 33:2 42:21,25 45:11 50:18 58:10 97:18 160:15 176:19,24 227:8 positions (5) 26:10,14 28:23 33:20 33:22 positive (1) 216:8 possession (1) 165:5 possibility (1) 64:10 possible (3) 102:11 150:18 223:4 possibly (2) 72:3 137:8 post (1) 142:11 posting (2) 143:5,7 postings (1) 149:25 postponed (3) 14:7,11,14 posts (3) 149:6,9 293:5 post-termination (1) 281:25 potential (1) 105:20 power (2) 37:18 38:4 powers (1) 38:7 practices (2) 286:9,11 precipitated (1) 96:23
---	--	---	--	---

<p>precise (1) 101:7</p> <p>Preliminary (1) 175:2</p> <p>presence (4) 146:9 215:11 250:18 255:24</p> <p>present (25) 4:8,16,18 44:15 50:20 50:22 73:22,24 74:3 85:17 89:18 95:10 95:11 96:6,12 128:6 199:16 217:10 234:14 236:21,23 236:24 245:8 262:16 264:21</p> <p>presently (1) 11:9</p> <p>preserved (1) 44:7</p> <p>pressing (1) 148:15</p> <p>presumably (1) 268:3</p> <p>presume (2) 50:4 154:6</p> <p>pretty (7) 59:17 82:3 195:4 213:21 227:9 261:8 287:19</p> <p>prevent (2) 104:15,19</p> <p>prevented (1) 105:23</p> <p>preventing (2) 105:15,18</p> <p>previous (3) 226:4,12 227:3</p> <p>primarily (1) 284:23</p> <p>primary (1) 186:21</p> <p>prior (27) 13:15 15:19 18:11 26:9 42:24 52:2,4,9 52:11,14,24 53:2,7 76:10 86:20 87:5,12 87:16 136:16 138:20 150:4 176:22 177:15 222:10 224:4 249:24 266:18</p> <p>Prisco (20) 233:17,18 234:3,6,10 234:13,24 235:2,6 235:12,15 236:5,14 236:17 237:10,13 238:15 239:25 242:10,14</p>	<p>Prisco's (1) 235:25</p> <p>private (7) 189:14 267:4,16,23 272:10,13 273:6</p> <p>privately (1) 286:13</p> <p>privilege (13) 99:4,4,5,23,24 100:5 100:8,14,15,15 101:12 102:2,5</p> <p>privy (1) 13:16</p> <p>probably (56) 13:23 15:24 16:9 24:9 45:8 58:15 70:5 72:9 74:13 75:7 77:10 84:15 89:4 93:5 94:20 109:15 109:24 134:14 142:14 146:21 147:14 148:7,8 155:19 160:13 162:4 169:15 172:24 174:20 185:12,21 191:18 196:18 201:8,10 205:2 206:12,14 215:24 217:7,8 220:3 245:11 248:10 252:6,14,20 253:22 255:7,13,20 260:17 264:9 276:17 280:18 287:8</p> <p>problem (16) 8:13,14 58:23 68:7 84:24 103:6,11 106:10,23 108:16 108:20 119:4 130:19 185:3 224:3 232:14</p> <p>problems (3) 135:10 224:20,22</p> <p>procedural (1) 9:23</p> <p>proceeding (2) 48:24 102:3</p> <p>PROCEEDINGS (3) 291:1 292:1 293:1</p> <p>process (11) 29:5 30:7 31:3,11,24 32:5 45:2 54:24 59:2 147:11 256:23</p> <p>processed (1) 133:7</p> <p>processes (1) 133:6</p> <p>procure (1)</p>	<p>164:3</p> <p>produced (1) 138:5</p> <p>profanity (1) 111:21</p> <p>professional (2) 2:17 115:7</p> <p>program (3) 178:2,5,9</p> <p>prolong (1) 230:24</p> <p>prosecution (1) 49:23</p> <p>protection (2) 206:4,17</p> <p>provided (1) 244:10</p> <p>psychological (2) 27:22 31:14</p> <p>public (13) 2:19 112:17,23,25 115:17 117:25 153:20,25 178:15 178:19 229:24 230:21 291:4</p> <p>purpose (2) 171:7 237:21</p> <p>purposes (1) 110:20</p> <p>pursuant (1) 2:15</p> <p>pushing (3) 240:22,23 241:21</p> <p>put (18) 28:12 45:5,8 65:22 67:3 76:6,19 126:19 147:11 149:17 156:14 181:4,8 214:24 222:16 225:21 235:17 276:19</p> <p>puts (2) 100:2 140:13</p> <p>putting (1) 214:7</p> <p>P.C (1) 3:9</p> <p>p.m (4) 2:4 40:22 227:23 290:16</p>	<p>question (152) 5:8 6:18 7:6,18 9:21 10:6,9,17,18,19 11:3 20:23 23:3,6,9 23:11,14,15 26:3,5 35:15 36:8 43:16 47:14,15 48:22 49:6 52:7 53:19 54:14,18 54:20 56:2 57:12 58:18 59:18 60:2,6 61:20 62:13 65:8,15 66:10 67:23 68:2,7 69:4,21,23 84:13 86:6 93:24 94:10,18 97:12 99:3 101:13 102:8 104:18 105:12 106:17 109:22 110:3,21 111:3 113:9 114:13 114:15 116:15,22 118:16 122:18 124:16 125:11,13 128:22,24 129:3 135:16 136:11 137:8 139:16,21 144:12 146:10 147:24 149:20 150:22 157:25 160:21 168:10 169:11 171:9,10 175:23 180:8 181:16 183:10,17 184:22 186:22 190:20 192:3 196:13 197:21 199:5 215:8 226:16 226:20,20,23 228:3 228:23 229:4,13 231:7,25 232:15,17 232:21 235:23 247:10 248:22 250:5,17 253:3 254:16 256:6,8,10 257:25 259:4,9 260:21 265:11 269:2 273:20 274:25 275:13,18 275:22 276:12 277:2,5,23 278:5,18 279:13,16,20 281:12 289:8</p> <p>questioning (3) 50:9 96:3 242:18</p> <p>questionnaire (2) 55:8,13</p> <p>questions (66) 8:16,17,25 9:2,12,14 9:18,20 10:4 11:23 13:18 16:15,20,23</p>	<p>17:3 24:10,19,21 25:4 49:17 51:6 55:13,17 58:4 81:5 81:10,16 96:10,24 97:22 99:24 100:2 100:18,24 101:6,7 101:22,23 102:7,17 102:20 128:14,16 129:2 138:2 148:16 154:7 173:8,16 175:19,25 201:5 227:20 233:21 238:16 243:18 245:12 256:14 260:5 267:10 274:8 279:22 281:18,21 284:21 289:4</p> <p>question's (1) 276:4</p> <p>quick (2) 205:11 287:20</p> <p>quicker (1) 58:19</p> <p>quite (2) 166:7 239:23</p> <p>quote (1) 175:4</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R (1) 291:2</p> <p>radio (2) 103:20 202:22</p> <p>Radler (3) 2:14 3:16 95:6</p> <p>raise (1) 25:10</p> <p>raised (1) 62:21</p> <p>raising (1) 59:20</p> <p>ran (1) 122:8</p> <p>rarely (1) 254:25</p> <p>rat (4) 59:13,20,25 60:9</p> <p>reach (1) 80:14</p> <p>read (36) 50:5 52:9 63:24 92:14 92:17 96:17 106:18 106:20,24 111:4 124:15,19 149:16 149:22 174:15,17 175:22 177:12,12 179:12 180:14,15 181:16,19 182:11 182:25 198:6,9</p>
--	---	---	---	--

205:5 216:17,19 225:10 226:22,25 248:22,24 reading (7) 84:17 146:19 150:4 174:21 175:6 177:15 196:19 READY (1) 4:3 real (3) 255:2 263:2 268:24 realize (2) 90:9 101:10 realized (2) 90:8 142:16 realizing (1) 288:12 really (48) 6:20 30:10 39:6 42:15 46:2,14 55:7 61:19 68:16,18 70:8 107:13 114:25 115:3 121:9 125:4 132:23 133:13 134:6,7,19 137:22 140:11 146:4 152:10,11 153:13 156:18 170:12,24 182:23 186:9 208:13 213:3 215:24 221:7 230:21 233:7,21 234:15 258:25 265:20 269:19 276:11 279:7 282:23,24 284:3 realm (1) 111:15 Realtime (1) 2:17 reapply (2) 42:21,25 Reask (1) 289:16 reason (24) 11:6,21 91:14 102:4 112:21 115:10 117:2 123:16 128:3 131:23 133:23 134:11 180:23 220:24 224:25 258:9,13 294:6,11 294:13,15,17,19,21 reasons (8) 102:9 110:5 114:9 127:4,11 147:4 212:19 213:14 recall (121) 13:21 14:2,5 18:4	20:5 43:10 46:17 48:9 65:24 66:20 68:21 70:13 72:17 73:19,21 74:15,18 75:20 76:3,12,24 78:15,18,21 81:21 84:4,5 85:12,16,24 86:8,14,17 87:11,15 89:13,14,17 90:23 92:7 94:14 105:3 106:2,8,21 109:6,10 114:7 119:10 120:3 122:2,13,25 123:5 123:18,20,24 126:23 127:16 130:12 131:22 132:16 135:3 138:23 142:5,10 143:4 145:7 146:14 147:19,25 148:16 149:2 150:7,11 155:16 158:17 159:15 167:7 184:23,24 201:20 201:23 202:6 203:6 203:9,11,15,18 204:6,10 206:8,13 206:16,19,20 214:20 215:16 216:7 218:8 222:3 234:15,17 246:24 248:2,6,12,18,25 250:11,19 254:21 254:22 258:2 262:8 269:7 270:10 274:12 287:21 288:4,7 recalls (1) 119:22 receive (1) 63:6 received (5) 13:3 14:6,9 15:21 225:13 recognize (7) 12:20 67:21 73:10 82:23 83:2 137:25 225:9 recollection (4) 72:14 132:3 206:11 206:22 recommendation (5) 216:2,4,6,8 245:19 reconvene (1) 242:21 record (27) 6:8,22,24 8:9,13 9:19 9:22 13:6,19 50:21 52:17 81:3 82:12,14	86:7 95:14 131:6 136:7 192:12 200:25 201:5 214:10 217:9 228:24 233:14 291:8 294:7 recount (1) 194:15 recruiting (1) 64:10 REF (1) 139:11 refer (17) 43:21 59:12,24 60:9 73:15 74:19 85:13 112:12 145:21 150:5 162:4 173:22 174:4,8 175:12 176:4 207:7 reference (34) 60:2 72:2,15 75:13 76:19 127:16,18 139:22 143:20 145:3 155:17,22 173:8 195:25 208:4 209:25 232:23 244:23 245:19,24 246:8,19 247:5,6,6 247:13,14,14 248:4 248:8,14 249:3 255:25 282:8 referenced (1) 183:13 references (3) 61:7 75:21 215:4 referred (11) 52:8 53:13 59:19 68:23 70:14 78:7 92:16 112:5 115:23 219:19 226:6 referring (43) 48:16 53:16 64:20 65:5 69:5 76:4 78:8 78:25 79:2,6,9 83:8 85:14,21 93:8 96:16 106:13 111:5 129:10 139:23 140:2 152:20 162:3 163:10 164:20 165:21 174:5 184:9 190:6 192:18 193:17 194:5 197:4 197:23 201:2 204:18 205:22 207:10 208:21 210:22 219:21 266:18 285:15 refers (5) 64:17 83:13 159:5	175:4 208:20 reflect (2) 192:12 200:25 refrain (1) 143:21 refresh (3) 72:14 132:3 206:11 refreshing (1) 144:21 refusal (1) 100:21 refuse (4) 99:2,25 102:6,8 refused (1) 101:18 regard (13) 99:23 230:2 231:9 244:9 247:14 249:7 250:5 253:3 255:23 256:6,8,10 275:13 regarding (4) 24:19 117:9 244:20 252:13 Registered (1) 2:16 Regular (1) 44:9 regularly (1) 113:5 regulations (3) 136:25 137:2,15 rehired (4) 86:10 110:11,19 211:4 reinstate (1) 226:3 reinstatement (2) 226:12 227:2 relate (1) 101:2 related (5) 96:24 97:3 233:5,8 291:10 relating (1) 253:5 relationship (2) 206:17 207:4 relationships (3) 194:8,15,21 relevance (2) 44:7 188:14 relevancy (3) 97:14,19,23 relevant (6) 57:20 58:15 100:7 220:21 224:13 237:14 remained (1)	268:9 remarks (2) 281:14,16 remember (168) 18:16 29:7 33:3 42:4 42:13,15,18 45:6,7 46:22 55:20 61:2,14 68:16,18 69:20 70:9 70:11,21 71:4,8,16 71:23 72:4,8,11,19 74:6,8,9 75:11 77:8 77:14,17,23 78:5 83:5 84:9 85:3,7 87:9,14,19 88:20 90:3,6,7,17,18 91:4 91:6,21,24 93:2,13 106:13 107:2,4,8,15 108:7 112:2,3 113:22 114:15 115:3,8,10,11 117:16 118:2 122:12 123:4,19 129:9 131:4,15 132:11,19 134:6,7 138:16 139:2 140:23 141:18,20 142:9 143:16,17 144:20,24 145:2,13 145:14,18 146:18 146:22 160:25 161:14 162:13 163:17 165:24 169:19 170:21,21 172:25 173:4 184:7 184:11,16 185:2,7,9 186:9 188:2 192:17 193:16,19 197:6,8 199:12,25 200:13 200:14,15,23 201:8 201:11 202:22 204:9,21,23 205:10 205:14 206:3 207:20 212:18 216:5,15 235:6 245:7,11 246:22 250:7 252:22 253:6 253:11,18 255:19 256:5 258:25 259:2 259:14,17,23 271:14 274:6 275:25 279:24 280:8 281:25 282:5 285:4,11,13 287:4 288:13 290:5 remembering (1) 144:17 removed (1) 143:25 repeat (5)
---	---	---	--	---

86:5 103:9 231:25 273:20 277:25 rephrase (6) 90:16 91:17 189:7 250:17 254:16 259:4 report (3) 149:7,10 293:6 reported (3) 1:24 59:8 238:7 reporter (24) 2:17,18,18 6:6 9:25 10:14 12:6 52:9 63:18 73:2 82:16 92:17 95:20 96:17 106:20 124:19 135:20 138:4 149:4 174:6 216:19 223:19 226:25 248:24 represent (4) 97:8 149:5 229:7,9 representation (1) 8:2 representative (1) 98:16 represented (1) 12:2 representing (1) 9:13 reputation (3) 256:16,22 257:10 request (2) 15:10 45:6 requested (6) 15:23 106:19 124:18 216:18 226:24 248:23 required (6) 30:3 32:4,11,17,17,19 requirement (2) 26:20 35:4 requirements (5) 27:7 30:3,13,18 37:19 resentment (1) 181:24 reserved (2) 5:8 44:11 residence (6) 186:7,21,25 187:10 187:21 234:21 resident (2) 40:9 187:11 residents (2) 194:8,10 resisting (1) 236:14 resolve (1)	102:12 resolved (1) 238:8 respect (8) 60:6 62:11 87:6 135:16 158:8 202:7 203:7 284:17 respectful (1) 24:14 respectfully (3) 24:3 57:14 208:24 respective (1) 5:3 respond (8) 24:18,21 200:4 201:5 205:17 233:25 234:12 237:3 responded (6) 132:17 205:20 234:19 234:23 235:4 244:20 responding (4) 10:8 49:6 200:4 234:2 response (5) 13:7 257:24 274:7 279:16,21 responsibilities (1) 177:7 responsible (3) 62:11,15 137:5 rest (1) 150:9 retain (2) 14:18 17:19 return (1) 15:9 reword (3) 62:13 104:3 106:17 RexCorp (3) 2:2,15 3:21 Richard (6) 56:21 57:3 135:17 163:16 211:22 212:2 ridiculous (2) 218:11 242:22 riding (2) 40:10,11 right (38) 10:19 34:12 39:7 44:11 92:12,21 93:7 98:23 99:2 110:11 110:12 121:14 147:9 153:16 154:10 190:11 195:15 197:2 204:17 205:20,25 210:3 212:9 213:2 213:10,22 229:11	233:20 237:18 238:22 259:4 261:2 263:13,14 265:8 267:16 268:5 276:8 rights (1) 98:25 rings (1) 126:19 rise (1) 234:3 Rivkin (3) 2:14 3:16 95:6 road (3) 3:11 4:6 25:9 rocket (27) 163:22,23 164:4,7,9 164:12,19,24 165:4 165:5,8,17 166:5 167:4,14,18,21,24 168:3,9,25 169:6,13 169:14,17 170:22 170:25 Rogers (2) 3:19 219:12 role (2) 156:8 177:7 romantic (1) 207:4 room (44) 13:16 23:4 121:10 152:6,6,13,16 153:8 154:3,4 188:17 189:4,6,8,10,18,19 189:22 190:2,5 209:21,23 258:6 262:21 263:24,25 264:6,8,10,12 265:7 266:20 267:4,16,23 268:5,10,15,23 269:3,6 272:10,13 278:17 room/kitchen (1) 189:13 roster (1) 64:11 RPR (3) 1:24 291:4,18 ruling (1) 94:23 rumors (2) 90:11 208:12 run (3) 31:13 40:12 77:9 running (2) 240:18 259:17 runs (1) 198:22 <hr/> S <hr/>	s (1) 7:19 salary (1) 20:25 sampling (1) 96:17 Samuel (1) 231:10 Sanchez (2) 1:14 177:17 sanctioned (1) 178:2 sat (1) 255:7 satisfied (3) 210:5,9 252:7 Saturday (3) 40:20,23 173:3 sausage (1) 195:24 savvy (1) 142:21 saw (44) 3:11 16:2 37:23 69:3 69:17 70:9,18 71:23 72:5 91:12 109:13 119:4,9,15,16 143:13 156:12 164:17 167:14,18 167:20 168:7 170:4 170:15 184:4 187:19 218:19 222:16,18 239:18 242:7 262:24 263:8 263:15 264:14,22 270:6,17 273:21 283:3 286:18 287:5 288:11 289:19 saying (24) 87:16 108:25 113:22 115:5 120:16 123:13 142:6 145:18 147:6 159:8 159:10 195:17 196:8 200:2 204:21 212:18,25 213:22 250:12 253:11 255:12 257:14 269:16 283:19 says (15) 64:9,25 81:4 83:8 139:3,4,10 143:20 158:20,21 159:2 178:12 182:13 192:6 201:14 scenario (1) 105:4 scene (10) 132:24 200:5,8	233:25 234:12 235:21 236:16,22 237:24 239:3 scenes (1) 46:3 schedule (4) 14:3 160:10,12,22 scheduled (2) 9:11 14:17 scheduling (2) 18:8 81:20 school (1) 51:8 Schwartz (3) 149:7,10 293:6 science (1) 278:13 scope (1) 100:24 screaming (2) 240:23 241:3 sealing (1) 5:4 search (1) 215:11 season (16) 43:6,11,14,18 85:9 86:22 87:3,18 142:3 185:10,12 258:24 259:25 280:20 284:24 285:9 seasonal (2) 21:4,8 seasons (10) 22:8 39:7,10,12 261:4 261:5,9,13,15 278:19 second (13) 7:5 14:10,17 15:19 16:9,10 64:8 136:10 139:4 177:12 223:25 280:19 285:5 secret (1) 229:25 section (7) 30:23 31:2,10,17 158:19 175:22 208:17 see (40) 9:25 24:12 70:25 77:17 81:7 83:4,6 90:13 116:19 140:13 147:9 162:9 162:18 164:12,22 165:4,8,15 166:4 168:9,16,24 169:5 169:14,16,21 170:8 170:18 172:3,23
--	--	--	---	--

242:10 243:4 255:5 266:3 268:22 269:2 269:5 286:13,23 288:17 seeing (16) 68:16,18,21 69:10 71:8,17 76:9 86:14 86:17 138:16 147:25 163:17 170:21,22 270:10 287:4 seek (3) 156:5 226:11 227:2 seeking (1) 46:19 seen (25) 64:5 67:22,25 68:3 69:5 73:11,13 113:21 119:3,3 136:12,13 138:15 139:6,20 158:2,4 161:17,23 162:23 163:2,3,5 170:9 266:4 self-explanatory (1) 213:21 self-incrimination (3) 99:6,22 100:9 send (1) 158:15 sense (14) 66:18 75:16,18 81:15 110:23 116:15 117:3 148:10 168:11 196:5,19 205:7 211:5 277:24 sent (3) 15:22 16:5,6 sentence (8) 64:25 83:8 92:15 175:3 196:14,22 197:7 225:25 sentenced (1) 99:7 separate (5) 65:8 98:21 149:17 198:24 264:13 separately (1) 268:15 September (1) 24:13 sequence (1) 9:16 sergeant (2) 160:19 251:18 sergeant's (1) 179:18 series (1) 9:11	serious (2) 75:17,17 service (19) 1:14 30:17 32:12,20 32:23 33:12,17 35:11,18 36:4,10,18 36:21 58:25 59:4,9 59:15,21 179:18 serving (1) 32:7 set (6) 14:6 88:3 89:16 198:13 291:7,14 Setting (1) 14:3 settled (1) 230:16 seven (1) 173:15 sex (3) 194:22 195:2,17 sexual (5) 194:5,7,15,20 195:20 shakes (1) 10:16 SHEET (1) 294:1 shift (45) 40:13,16 41:3,7 42:2 42:7 45:6 76:25 77:3 78:2,12,14,16 78:19,22 79:4,23 80:2,8 113:5 130:24 133:9 160:3,4,7,10 160:23 161:13,13 161:14,16 165:15 166:10 167:2,23 170:10,11 191:3 207:21 218:22,24 219:6 220:7 225:17 285:20 shifts (16) 21:19 41:13,20 42:10 42:14,14,17 45:9 78:20 113:11 130:4 130:13 133:18 134:5 163:21 164:24 short (3) 182:8 195:7 242:17 shorter (1) 84:7 shot (1) 162:24 should've (1) 121:18 showed (1) 239:22 showing (1)	146:19 sic (1) 77:19 side (31) 102:22 134:7,8 259:12,12,16,16,18 259:19,19,19 260:9 260:10 261:5,6,14 261:14 282:23,24 284:22,22,23,23 285:9,9,14,14,16,16 285:23,23 sides (3) 110:16 142:14 148:12 sight (1) 286:19 signed (2) 5:12,14 silence (1) 175:5 silent (1) 175:15 silly (1) 184:3 similar (1) 68:3 similarly (1) 97:25 simply (1) 102:6 sip (8) 168:22,25 169:6,17 169:21 170:5,19,20 sipping (1) 170:23 sir (1) 247:21 sister (2) 115:4,11 sit (7) 246:23 247:3,11 248:3,6 265:2 284:3 sitting (8) 8:22 115:2 146:21 148:11 162:19 165:19 168:3,8 situation (20) 14:21 19:5 25:12 36:22 121:11 145:24 196:24 197:3,12,14,17 198:19,19,25 199:15,20,21 206:25 213:2 243:12 situations (2) 198:24 204:15 six (4) 48:8 155:10,12	173:15 Sixteen (1) 21:20 size (3) 263:24 264:6,8 skip (1) 175:18 Skipping (1) 176:3 sleeping (4) 134:21,22,24 170:12 slightly (1) 215:9 smiling (1) 265:22 Snyder (27) 1:4 59:25 60:12 86:19 120:3,7 130:11,14 130:16 131:18 132:21 133:11 150:5 181:17,24 197:9 199:12 249:23 251:8 254:7 256:10 259:15,17 261:10,22 275:18 277:11 Snyderized (7) 70:5 71:3,5,20 72:4 76:8,16 solicited (2) 62:21,24 somebody (16) 30:16 49:23 59:7 112:4 113:24 114:4 114:18 120:17 125:20 143:13 167:2 183:17 194:23 215:25 265:6 272:7 somebody's (1) 125:19 someone's (1) 108:8 someplace (1) 186:12 son (1) 172:24 soon (2) 188:24 240:17 sorry (17) 6:16 28:3 39:9 49:8 60:15 114:15 138:17 182:18 196:18 197:13,16 201:6 203:19 206:13 226:22 237:22 268:21 sort (2) 35:10 43:24	sound (1) 142:20 source (4) 217:22 225:18 227:14 290:3 South (1) 207:10 Southampton (11) 215:15,21 216:24 245:16 246:10,20 247:15,17,20,24 281:24 span (1) 67:8 speak (21) 15:2,5 18:14 30:12,16 57:17 98:7,11 120:20 134:8 161:2 207:22 218:21 219:16 223:16 239:25 269:3 273:18 274:3 281:8 283:18 speaking (7) 10:10 18:14 33:17 81:22 115:17,22 269:6 speaks (4) 97:10 111:10,11,19 specific (56) 9:17 22:22 29:4 30:13 31:18 38:6 39:25 42:13 56:3 62:9 71:17 74:9,14 75:11 83:5 92:4 94:14 96:19 101:6 106:8 106:12,21 107:2,15 107:17 118:3 119:10,17,22 120:2 120:24 122:11 126:10 129:3 135:3 141:8,9 142:9 143:15 144:19 168:5 185:8 192:17 193:19 194:6 212:2 216:5 223:11 248:11 252:9,15 255:19 259:2,9 265:6 280:8 specifically (63) 28:2,20 62:3 70:13 74:6,17,23 83:2 91:23 96:6 108:5 109:13 118:10 119:2,9 120:18 122:7 126:2,7,20 127:8,15 134:25 140:18 143:13 145:19 151:5,6
---	---	--	--	---

155:11 159:14 160:12 167:7 169:3 170:20 184:16 193:18 207:7 215:17,19 216:12 216:16,20 245:21 245:22 246:17,24 247:2,4,12,21 248:2 248:13,25 252:22 253:6 255:22 263:11 271:22 274:2 276:9 286:18 289:5 290:6 specifics (19) 92:9,18 121:9,10 123:14 142:25 143:16 145:5,6,12 184:5 205:6 213:5 218:10 246:22 253:18 254:20,22 282:6 speech (2) 114:8 272:14 spend (3) 85:23 160:2 259:11 spent (2) 186:6 255:7 spit (2) 201:13,16 split (1) 188:20 spoke (8) 15:10 18:17,22 54:2 58:13 217:5 218:12 253:24 spoken (8) 13:15,22 17:14 19:4 86:20 217:7 243:22 244:4 sponsor (1) 61:25 spread (1) 90:11 spring (1) 65:2 stab (3) 166:2 170:14,24 staffing (2) 86:21,24 stairs (2) 200:10 270:16 stand (1) 99:13 standing (14) 72:9 87:24 89:5,6 115:11 123:25 167:25 202:23 241:11 259:23 262:20 265:12	269:13,15 staring (1) 227:16 start (13) 10:7 31:23 32:6 44:2 79:22 81:23 141:16 143:3 153:7 209:19 212:12 259:10 277:10 started (29) 7:14 20:12 21:7,19 25:14 26:16 30:14 34:25 35:21 40:15 40:18 44:20 56:19 57:11 58:4,21,25 76:14 77:12,15 80:8 135:8 156:2 208:15 286:15 287:14,17 289:12,18 starting (2) 81:24 224:9 starts (1) 208:18 state (10) 2:19 6:7,11 19:16,17 38:16,19 50:20 273:13 291:5 stated (7) 25:20 101:25 102:9 203:16 275:11 280:2,6 statement (4) 6:17 112:11 175:3 284:5 statements (6) 72:22 122:11 123:15 140:14 155:17 197:8 states (3) 1:2 177:23 226:2 stating (2) 16:7 250:20 station (46) 68:14,15 79:22 80:5 91:13 104:7,23 107:8,13 117:19,23 118:19 119:12 142:24 146:15 159:22 161:18,24 162:6,10,14,19,25 163:4,8,11,12,18 164:13,20 165:6,9 165:18 166:5,15 167:22,25 168:22 169:2,6 170:19,20 170:23 181:4,5 253:23 status (4) 159:3,7 169:10	225:17 stay (11) 6:23 8:13 39:2 135:5 142:11 147:10 162:5 190:24 257:25 258:5,14 stayed (6) 187:11 190:4,4,21,23 191:4 staying (3) 187:12 191:18 196:25 step (2) 28:11 89:12 steps (1) 204:20 stick (1) 239:5 stips (1) 44:9 stipulate (2) 43:8 228:18 STIPULATED (3) 5:2,6,10 stop (4) 22:25 122:19,20 238:21 stopped (4) 22:23 43:5 187:15 220:10 stopping (1) 24:23 store (2) 191:21 193:5 stores (1) 197:2 stories (1) 210:18 story (11) 207:12,13,16 210:5 210:19,20,21,21 211:14 212:9 222:22 straight (1) 189:4 straw (2) 168:15,17 street (4) 119:7 154:9,13 259:18 streets (1) 117:24 strictly (1) 103:17 strike (2) 44:10 144:25 struck (1) 173:6 studying (1)	156:12 stuff (8) 142:21 147:12 187:20 193:15,16,19 194:11 221:8 stupid (5) 256:16,19 257:3,5,7 subheading (1) 175:2 subject (8) 24:8,13 25:2 49:19 81:6 173:11 178:15 178:19 subjects (1) 25:8 submission (1) 7:20 submit (4) 28:15 44:22 45:3 102:13 submitted (1) 46:13 subpoena (17) 12:7,8,10,13 13:9,10 14:6,9,17 15:15,19 15:25 16:9,10 19:3 292:13,14 subpoenaed (1) 98:14 subpoenas (1) 13:7 Subscribed (1) 290:19 subsequent (1) 217:2 substance (10) 13:25 19:10 116:25 125:7 196:21 213:14 216:7 228:20 276:20 282:8 substances (1) 11:16 substantive (1) 9:24 successful (1) 226:2 successfully (1) 177:25 sucked (1) 278:14 sucking (1) 168:16 sudden (1) 129:4 sue (2) 53:20,21 sued (3)	53:22,25 54:6 Suffolk (31) 1:13,13 4:5,11 27:2 30:17 31:4,5,6 33:5 33:11,14,15 34:22 35:2,5,17 36:3,9,17 36:21 38:12,14 51:15 55:4,6 58:24 59:4 177:2,24 285:11 suggest (3) 17:6 102:10 242:17 suggested (1) 118:6 suggesting (1) 81:12 suggestion (1) 24:15 suit (1) 234:8 sum (1) 276:20 summer (28) 21:21 22:2,6,7,11,14 22:19 39:12 41:6,12 41:15 42:19,22,24 43:2,4,6,10,12,14 43:18 87:2 142:3 258:22,24 260:6,9 284:24 summers (2) 41:23,25 summons (20) 37:4 38:21 39:15 104:12,13 105:14 106:10,23 107:16 108:17 117:20 201:18,22 202:17 203:3 250:9,20 275:16 286:7,8 summonses (24) 39:22,25 103:13,14 103:18 104:6,21 105:9,24 106:15 108:9,22 109:3 172:18,18 202:4,8 202:11,14 203:8 251:2 252:25 275:17 286:4 Sunday (3) 42:5,6 173:4 Sundays (6) 22:9,18 41:21,24 42:3 260:12 supervision (2) 41:10,16 supervisor (6) 40:14 42:8,11 53:4 201:25 240:11
--	---	---	--	---

supervisory (1) 158:20	175:23 177:11 180:15 181:10,15	272:2	7:5 38:18 43:24 58:19	93:25 94:5,19 98:19
supply (1) 16:13	198:8 205:11 225:10 228:3	telling (5) 120:17 142:11 204:15 234:8 255:9	63:16 72:8,20 75:17 93:16 110:21 111:6 114:21 117:4	102:19 103:15 108:10,16 109:19 109:23 111:7
supported (1) 116:9	229:19,20 233:9 242:20,22 258:18	Ten (1) 19:24	121:25 129:3 144:19 153:16	117:14 118:6,7,21 121:14,16 124:8,10
supposed (1) 239:5	288:25	term (4) 31:21 76:10 272:7 283:23	158:17 168:14 177:13 184:2,6,16 184:23 186:9 197:6 199:11 200:15	126:14 127:20 128:11,11 129:5 132:5,7 133:8,23 134:8,9,11,18
sure (55) 10:3,8 21:13 30:11 35:9 49:5 54:16 60:5,5 61:23 70:25 74:22 77:8 82:3 84:12 86:3 88:8 89:20 90:2 108:24 108:25 109:14 114:25 116:17 117:13 126:25 132:25 134:3,3 152:3 155:18 156:15 162:16,21 163:3 166:3 174:5 182:14 188:8 205:22 210:23 217:20 218:5 220:19 221:6,7 223:12,15 233:11 236:2 275:20,24 283:9 286:17,22	taken (3) 32:23 33:4 205:2	terminal (3) 153:21,24 154:8	205:5,19 206:23 208:6 212:2,3,5,23 213:6 223:2 237:8 239:4,9 241:17 244:16 253:12 256:3 263:9 269:20 275:12,16 276:25 277:4,13,16 286:16	136:13 137:10,17 138:20 141:3 142:13,14,23 144:17 145:19,23 145:24 148:7,10,12 152:13 153:22 155:10 157:9 159:16 160:8,8,13 161:12,14 164:5,16 164:25 168:13 169:12 170:3,9,14 179:21,22,24 181:10 189:3,8 191:2,3,4 195:9,10 195:14,16 198:22 198:23 200:11,12 200:13,14 201:9,15 201:19 202:4,16 203:5 204:16 206:23,24 207:24 208:25 209:10 210:16,17 211:10 213:4,24 220:2 221:8 222:25 224:9 224:15 227:16 228:17,23 230:12 232:20 234:11 237:14 239:11 243:14,16 246:9 248:10 249:21 251:7,20,20,21,24 252:6,10 253:19 254:25 255:6 257:6 257:6,9 259:19 260:11,12 263:2 264:7 265:10,20 268:8 271:24 272:5 273:5 278:23 284:4 284:14 285:19 286:17 288:23,25
surrounding (1) 96:7	takes (1) 179:13	terminate (1) 272:7	things (52) 9:23 40:3 49:10 54:21 68:24 69:15,18 70:10,11,14 71:21 72:18 74:21 92:12 92:21 93:7 104:10 116:24 117:15 123:13 129:13 142:6,9 143:15 145:11 146:24 147:2,3,4,5,13 148:12 151:25 152:8 170:18 213:7 213:11,20 216:5 222:12 224:8 227:12 252:8,12 255:21 267:10 278:14,15 280:9,10 283:25 288:11	218:4
surveillance (4) 65:3,12,17 66:7	talking (26) 77:14 79:7 91:20,21 117:3 121:8 123:9 140:23 141:5,7,16 143:14,17 184:18 186:11 190:10 191:25 195:2 198:23 202:25 206:3 209:22 256:21 263:7 265:3 282:2	termination (3) 110:19 222:13 224:5	thing's (1) 218:4	
suspected (1) 127:5	talk (16) 49:2 54:22 140:6,7,16 161:7 185:19 194:10,12 195:13 253:15,16 256:12 267:3 268:6 280:22	terms (1) 49:6	think (223) 11:21 18:10 19:6 21:18,24 22:9,17 23:4,7,8,13,19 24:7 24:24 25:3,5,22 28:12 30:15 40:2,18 41:17,24 42:9 43:7 43:23,24,25 45:7 46:13,15 48:5 49:25 55:15 57:17,19 58:14,22 60:8,24 61:8 63:15 66:23 67:4 69:18 71:11 72:8,18 74:4,6,24 75:17 76:13 77:7 78:17,20 79:18 80:11 81:8 83:24,24 84:8,10,14,16 85:2 86:19 88:11,12,12 89:11,16 92:24	
swapped (1) 42:14	talked (4) 120:8 210:3 211:24 245:16	test (6) 33:5,6,14,16,16 143:19		
swinging (2) 115:5 257:19	talking (26) 77:14 79:7 91:20,21 117:3 121:8 123:9 140:23 141:5,7,16 143:14,17 184:18 186:11 190:10 191:25 195:2 198:23 202:25 206:3 209:22 256:21 263:7 265:3 282:2	testified (14) 6:5 47:6,18 50:2 71:11 84:22 99:17 141:4,5 170:4 230:6 261:23 262:5 278:2		
sworn (6) 5:11,14 6:4 96:9 290:19 291:7	tape (6) 128:9 129:5,6,10,11 129:13	testify (7) 11:12 47:11 50:13 167:17,20 228:13 238:11		
system (4) 65:3,12,17 66:25	taxi (10) 88:2 90:19 266:20 269:23,24 270:7,11 270:19 287:6 288:18	testimony (16) 17:7 96:9 131:7 164:22 165:2 166:7 217:14 228:9,21 248:20 261:3 265:13 266:18 270:7 291:6,9		
T	technical (1) 66:4	tests (4) 33:4,6,7,10		
T (2) 291:2,2	technology (1) 147:3	thank (11) 13:13 76:6 95:25 101:9 103:14 113:8 146:12 172:16 243:17 245:13 290:14		
table (1) 17:11	tell (30) 12:19 23:14,25 62:14 62:17 66:5 103:10 114:3 122:19 125:21 134:23 146:17,23 147:15 194:14,20 205:7 212:13 221:23 224:22 244:13 245:17,20,22 246:16 247:11 261:21 265:2,13	Thanks (1) 80:10		
take (44) 11:5,7 32:11,20 33:10 48:7 54:24 55:3 57:16 63:25 80:25 81:10 96:18 99:8,10 99:12 121:4 131:3 135:2 136:9 149:21 169:5,16,21 170:4 170:19,20,24		theory (1) 119:2		
		they'd (3) 123:3 162:6 166:19		
		thing (54)		
				thinking (11) 64:22 67:23,24 75:3 114:10 125:20 143:2 195:15 197:18 201:6,14 thinks (2) 218:11 276:6 third (3) 64:24,25 232:20

Thirteen (1) 51:2 THOMAS (1) 1:4 Thompson (2) 3:3 95:2 thought (41) 15:24 58:22 91:8,10 92:10,19 93:17 94:3 94:15 103:6,10 105:10 110:6 116:19 119:19 121:2 138:25 142:25 147:11,21 148:4 199:12 200:21 201:12,13 201:15 210:17 253:19,20 256:23 262:5,5,11 277:18 279:2 283:14,15,16 287:3 288:6 289:6 thoughts (2) 140:14 252:12 thread (3) 149:7,10 293:6 threats (1) 154:8 three (13) 13:24 36:24 39:9,10 39:12 41:18 149:16 149:25 168:13 241:15,18 286:21 286:25 three-quarters (1) 92:5 threw (3) 199:10,15 207:18 ticket (1) 117:21 tickets (10) 93:19,21 94:6,12,16 94:20 103:8,12 252:19,21 time (118) 5:9 11:4 14:3,10 20:19 21:8 22:22 23:2 25:18 29:19 32:3 33:19 34:16 36:23 37:11,15,17 41:4,5 42:4 52:4,12 55:23 56:13 57:7,9 58:2,3 60:24 65:13 67:7 74:4,9 75:12 77:11 80:15,25 81:2 81:21,23 83:15 86:10 88:24 89:2,19 90:23 96:19,22 98:17 101:17 104:12,16,25	107:11,11 115:9 119:24 141:15 142:19 143:18 146:15 147:25 153:15 156:16 158:23 160:2,16 161:15 169:23 175:23 176:5,22 178:17 179:14 184:24 186:23 187:5,7,13 188:6 189:21 200:8 202:8 202:15 208:7 212:6 212:21 215:13 217:4,23 218:12,13 222:10,24 228:16 234:23 235:3,21 236:22 239:22 240:12 242:23 243:17 249:17 255:7 259:2 261:18 278:19 280:12 286:21,22,25,25 287:2,6,11,16 290:16 times (24) 13:21,24 15:8 42:13 42:17 71:22 103:15 106:12 107:9 156:19 161:12 167:25 168:13 189:22 190:16 216:24 252:7 259:5 259:11,25 260:17 261:11,15,15 time-wise (1) 80:20 title (5) 139:14,18,19 160:18 176:14 titles (1) 139:20 today (30) 10:5 11:12,23,25 13:6 13:15 14:18 18:11 47:5 52:19,22 53:9 76:10 156:23 174:15,23 205:16 217:6,10,13 223:20 229:19 243:18 246:23 247:4,12 248:3,7 265:3 290:15 told (24) 15:23 16:6 39:14,21 39:24 89:14 112:4 113:20 156:9 159:12,13 185:3,4 207:19 211:20	220:14 222:11 227:4 239:17 247:4 247:12,20 267:15 272:21 Tom (16) 59:24 60:12 120:3,6 130:11,13,16 131:18 132:20 133:11 150:3,5 249:23 251:8 254:7 275:18 tone (1) 8:25 tonight (1) 80:21 top (2) 71:21 139:5 topic (2) 141:19 212:6 totally (5) 72:19 89:13 92:11,20 162:16 tough (2) 58:3 196:7 tour (5) 113:7 259:6,11 260:10 261:5 toured (2) 261:10,13 tours (1) 259:6 town (1) 195:14 training (11) 20:16,23 159:3,18,20 177:25 178:5,9 187:17 218:23 219:6 transcribed (1) 10:17 transcribing (1) 95:22 transcript (2) 10:4 291:8 transcription (1) 294:9 transcripts (1) 230:3 transpired (6) 36:15 46:2 87:25 160:25 208:13 288:14 trash (1) 147:5 trial (10) 5:9 50:2 97:2,16 99:18 171:10 228:13 230:3,12,15 tried (4)	97:24 201:23 218:14 257:25 trip (1) 267:9 Trosco (10) 64:23 137:9 160:14 160:22 161:5,9 187:10,20 188:9 190:8 Trosco's (1) 160:15 trouble (1) 95:16 truck (9) 78:6 79:3,5,8,11,17 79:20 166:19,21 true (3) 6:15 247:9 291:8 trustee (1) 177:5 trustees (2) 40:8 46:6 trusts (1) 125:18 truthfully (3) 11:12,23 142:25 try (7) 18:9 25:7 135:5 146:24 179:12 230:8 258:5 trying (33) 19:8 23:24 45:6 67:4 77:7,23 83:24 84:8 84:10,14 85:2 88:11 109:25 126:18 145:23 162:4 190:19 195:9 200:11,23 211:25 227:5 230:18 237:9 237:16 241:5,6,13 241:16 256:13 267:9 268:8 270:3 turn (1) 223:23 Tutone (2) 206:10 207:5 twice (3) 13:23 19:6 263:24 two (28) 12:19 21:19 36:24 39:6 64:10 67:11 83:25 84:15 88:23 98:21 107:9 139:6 151:25 152:2 173:2 198:24 204:14 205:9 228:3 230:11 233:20 236:8 240:25 261:4,13,15 286:21,25	Ty (5) 150:11 151:25 281:6 281:8 288:17 tying (1) 103:19 type (3) 111:8 244:16 263:15 typical (1) 112:22 <hr/> U <hr/> U (1) 46:6 Uh-huh (1) 10:23 ultimately (1) 102:12 unclear (1) 267:7 uncomfortable (5) 146:24 147:6 227:19 273:5,14 underage (1) 172:19 underneath (3) 139:9 143:19 202:23 understand (39) 8:5 9:4 10:18 24:4,16 28:4 30:11 43:22 50:17 54:17 83:7 97:21 100:23 101:2 102:15 104:18 116:18 128:23 140:11 141:6 150:21 154:17 159:5 163:9 166:3 175:12 179:9 183:9 208:20 221:10 235:23 237:12 239:23 241:21 258:8 261:3 263:12 266:14 284:2 understanding (13) 64:16 76:15,17 96:20 97:6 98:2 132:25 141:13 144:7,13 221:16 225:16 275:7 understood (13) 7:4 10:20 27:19 49:5 103:22 108:24 109:18 114:9 116:2 143:5,7 184:6 210:13 underway (1) 287:12 unfair (4) 167:9 170:23 284:3,4 unfortunately (1)
---	--	--	---	---

212:24 unhappy (1) 121:13 uniform (4) 168:25 169:18 170:17 172:4 union (4) 34:8,10,12 Uniondale (3) 2:2,15 3:22 UNITED (1) 1:2 University (3) 51:11,14,19 untimely (1) 279:12 upset (5) 107:5,22,25 108:10 212:4 upstairs (4) 188:19 200:10 201:7 203:2 urinating (3) 117:21,25 119:5 use (23) 7:22,23 104:9 105:17 107:11 111:5 140:12 150:18 151:2,16,22 152:10 152:25 153:17,25 186:20 193:25 195:23 216:3 256:18 257:2,4 272:8 usually (1) 216:3	166:15,16 167:4 verbally (1) 10:15 verbatim (1) 10:2 version (1) 242:16 Veterans (1) 4:14 victim (1) 211:6 video (1) 65:2 videos (6) 159:20,21,24 160:6 160:11 161:4 view (2) 283:24 284:16 views (2) 283:11,12 village (20) 1:8 3:18 6:13 7:2,21 14:24 15:3,6,17 16:8,13 20:22 40:7 45:25 95:5 101:19 135:22 136:2 238:15 292:24 violation (4) 52:25 53:2,6,10 violence (3) 130:23 131:11 132:17 virtually (1) 100:19 vision (1) 269:18 voiced (1) 252:11	270:6,18 287:6 288:11 wall (12) 68:12,13,22,25 69:5 69:12,16,19 71:9,18 72:5 175:4 walls (1) 70:10 Walter (8) 28:21 155:5,8,16,25 156:4,21 157:3 want (65) 6:11 7:23 8:24,25 18:5 23:10 24:11 25:3,6 38:17 40:5 45:9 48:21 49:4,19 57:15,21,24 58:12 58:19 63:24 67:25 75:8,13 76:20 80:17 81:6 96:16 102:17 113:3 121:9 128:15 128:18 133:3 146:7 147:17 148:15 156:14 162:12 175:20 184:15 198:10 199:6 208:14 209:7,11 227:19 228:6,10 229:14 230:17,23 230:24 237:13,18 239:12,19 242:23 244:17 248:21 258:13 263:10 272:7 279:10,17 wanted (4) 81:22 97:5 131:18 272:6 wanting (1) 23:18 wants (1) 23:8 wash (3) 79:11,17,18 washing (1) 79:8 wasn't (38) 20:24 21:11 86:19 88:14,23 93:6 115:6 120:5 121:25 130:20 131:23 132:24 133:24 146:21 160:19 166:6 172:16 186:10 188:9 192:16 202:23 206:20 210:5,9,16 212:10 216:6 220:20 225:24 226:14,15 246:11	248:11 251:6 252:7 252:20 260:24 266:6 watch (5) 159:21 160:6,11 161:4 173:6 watching (3) 159:20,23 271:19 water (10) 88:2 90:19 266:20 269:23,24 270:7,11 270:19 287:6 288:18 wavelength (1) 251:22 way (39) 9:7,10 10:9 28:5 29:3 46:11 79:24 93:11 106:16 111:6,10,11 111:18 114:16 115:6,6 116:22 121:12,13,14 122:14 165:18 168:2 182:13 191:10 205:4 212:9 213:2,4,7 224:9 231:4 252:8,8,9 258:5 284:6,16 291:12 ways (2) 110:16 252:2 wear (1) 127:22 wearing (8) 124:13,22 125:23 126:11,24 127:5,17 128:5 week (4) 16:11 21:16 148:24 149:3 weekend (4) 162:5 172:25 173:5 190:21 weeks (2) 36:24,25 welcome (1) 227:10 went (55) 30:10 34:20 36:14 62:5 67:7,8,9 78:11 79:21 84:8,9,14,15 84:16 88:19 89:11 89:13 90:6 97:17 108:25 121:12 137:13 142:13,22 142:22 161:3 178:10 185:23 188:19,23,24 189:3 189:12 193:13	200:10,10,12,18,20 201:6,7,12 202:25 203:10 204:20 206:23 212:25 213:3 214:4 230:12 240:18 241:4 271:22 287:22,24 weren't (11) 13:16 36:3,6 58:5 190:22 200:24 206:2 260:25 272:22 273:10 280:13 we'll (4) 23:21 25:9 80:14 174:7 we're (17) 44:6 49:25 65:2 81:17 81:24 82:2,3 95:22 174:5 184:18 186:11 192:15 239:6,8,11 243:3 263:7 we've (5) 8:9 13:21 81:13 179:23 214:19 whatnot (5) 59:2 104:8 111:10 208:6 213:23 WHEREOF (1) 291:14 Whoa (1) 125:10 whoever's (1) 213:10 wide (2) 264:9,10 wife (5) 51:5 184:12,14 190:5 194:21 Wigdor (2) 3:3 95:2 willing (1) 96:5 windows (1) 79:18 winter (4) 21:24 22:7,15 42:20 wire (13) 124:14,23 125:20,23 126:11,17,19,24 127:5,11,17,22 128:5 wireless (2) 153:19,22 wish (1) 100:5 withdrawing (1) 69:22
<hr/> V <hr/>	<hr/> W <hr/>			
V (1) 294:2 vacancy (1) 29:2 vacant (1) 28:23 vague (4) 142:20 146:6 147:4 147:12 vaguely (1) 259:16 valid (1) 102:2 varies (1) 44:2 various (3) 267:14,15,23 vehicle (2) 163:6,7 vehicles (3)	W (2) 3:13 95:8 wait (3) 60:13 129:6 227:22 waiting (1) 78:3 waived (1) 5:5 walk (8) 117:24 183:22 184:13 184:14 269:3,5 270:11 271:19 walked (9) 119:6 123:2 184:3 185:19 266:7,10,17 269:14,16 walking (11) 90:18 91:13 268:25 269:10,11,17,20			

withdrawn (8) 17:17 28:16 49:24 63:11 214:8 250:24 253:20 273:3 witness (98) 6:3,11,19,23 7:4,17 8:11,14,22,23 9:4 20:9 24:6,9 32:16 40:22,24 48:23,25 49:5 57:18 70:24 71:11,14 77:20 81:15 82:4,6,11 84:22 85:24 86:12 95:9,11,15,18 98:4 98:14 99:8,10,19 101:14 102:16,19 109:23 110:22,24 113:4 146:8 149:19 157:9 163:14 172:11 177:14 179:7 180:16 181:18 182:22 183:3 184:20 186:3 192:13,16 196:12 198:6,11 199:24 201:2 205:13 209:3 214:25 216:15 229:3,4,7,12,14 230:4,19,24 231:14 231:16 232:15 236:3,7,13 237:14 238:11,17 239:17 242:2 250:8 262:17 289:23 291:6,9,14 294:4 witnessed (6) 198:12 199:23,25 232:16 237:15 239:15 witnesses (1) 57:16 woman (1) 70:25 word (26) 10:2,2 75:9,13 76:8 76:11,12,20,21 92:12,21 93:7 104:9 105:17 109:24 110:2,25 111:13 137:17 140:21 256:18 257:3,4,6 282:14,16 worded (1) 29:3 words (14) 74:10,20 76:22 78:23 111:5 120:22 126:4 126:9 199:2 245:17 246:4 272:3,6	285:19 work (62) 9:10 16:3,16,17 19:15 19:20 21:7 22:7,12 22:15 24:23 28:19 33:24 34:4,6 35:12 35:18 36:11,14 40:16 41:7,13,19,25 42:10 45:9 55:23 56:16 57:9 59:5 81:2 93:12 97:4 108:11 112:24 113:11 130:4,13 133:18 134:5 135:12 151:15 152:2,2,22 154:20 154:25 155:14 159:6 170:11 176:17 180:20 220:7 225:16 258:6 258:17,18,19 284:23 285:14,22 286:2 worked (53) 21:15,24 22:4,9 33:19 39:3 40:17 41:21,24 42:3,6,7,12,15,19 53:3 63:10 77:10 78:14,20 80:2 93:11 116:23 134:8,9,19 138:21 141:21 142:3 154:21 156:17 158:22,24 176:5 177:3 185:10 186:24 189:23 190:17 259:18,19 259:21 260:11,12 260:16,18 282:23 284:21 285:2,2,9,20 285:21 working (44) 19:25 20:12,15,24 21:16,18,22 22:20 22:23,25 25:14 26:17,21 27:25 31:23 36:2 37:11,16 40:15 42:5 43:5 44:21 56:14 57:5,7 77:12 87:2,17 110:18 134:7 135:8 137:12 146:14 156:2,11 187:6,15 190:20,22 217:21 220:4,11 225:24 259:2 works (3) 28:19 154:20,21 wouldn't (15) 11:22 14:20 94:8	100:25 108:19 111:13 130:21 144:19 146:22 157:8 202:12 240:21 279:2 283:24 285:16 would've (14) 115:25 128:24 138:22 138:25 142:25 202:11,17 203:10 212:11 255:10,11 261:10 263:9 287:3 wow (1) 173:5 write (8) 94:12 143:13 147:16 149:24 174:3 252:19,21 286:3 writes (2) 108:21 109:2 writing (25) 68:4 71:8 93:21 94:6 94:16 103:7,11,17 104:14,21 105:15 106:11,23 108:9,17 143:10,21,24 144:4 145:16 146:9 150:12 155:22 286:6,8 writings (2) 68:21 149:17 written (15) 28:15 43:23 68:24 69:19 70:10 71:22 71:23 72:5,23 76:9 143:15 145:3 158:11 173:25 252:25 wrong (14) 93:20,25 94:3,6,16 137:9,14 186:10 212:9 213:2,9,10,23 286:8 wrote (6) 93:19 94:20 106:14 109:4 145:12 147:15 <hr/> X <hr/> X (2) 1:3,17 <hr/> Y <hr/> Yaphank (2) 55:4,6 yeah (110) 8:5 18:20 20:21 25:22 28:25 36:22 38:13 39:5 41:17 42:12	43:20 49:9 54:15 61:8,11 63:25 67:5 69:3,16 70:24 71:14 72:16,16 74:16 75:5 76:11 77:16 78:17 79:24,25 82:6 91:8 105:6 107:6 108:2 108:18 113:22 116:7 118:11 121:8 124:24 130:10 134:17 135:9 138:22 140:6 142:4 161:9,22 165:7 168:21 183:10 184:20 185:13 187:18,25 188:18 190:12,14 192:22 193:8 194:13,24 196:24 197:19,25 198:24 206:12,15 208:22,23 209:17 217:12 219:20 221:19 224:8 225:11,14 236:9 238:4 242:6 244:2,7 251:5 255:13,18,19 257:21 258:23 260:7,20 261:8,20 262:14,21 264:18 266:24 271:18,20 279:21 280:17,21 281:3,9 284:15 285:16 286:5 288:9 288:23 290:9 year (20) 38:24 42:5,20 45:7 64:11,19 129:19 130:3 134:4 141:21 141:23 142:2 159:6 219:24 220:2 280:19 285:4,5,12 285:13 years (14) 19:24 39:3,9 41:18 48:8 51:2 84:10,14 155:11,12 173:15 173:15 206:24 278:12 York (18) 1:2,18,18 2:2,15,19 3:6,6,12,22 4:7,15 6:10 19:16,17 38:15 38:16 291:5 youth (1) 203:23 youths (7) 197:24 199:15 203:19 203:20 245:3,6,8	<hr/> 0 <hr/> 0that's (1) 50:15 0001 (3) 135:24 136:3 292:25 004420 (3) 157:18,20 293:9 04 (2) 42:21 285:12 05 (4) 260:6,9 284:24 285:12 06 (3) 43:2 217:8 285:9 07 (4) 1:7 43:7,12 159:19 08 (3) 20:17 218:20,21 <hr/> 1 <hr/> 1 (6) 12:6,7,11,21 292:13 294:7 1:30 (1) 2:4 1:48:19PM (1) 6:9 1:49:10PM (1) 6:11 1:49:36PM (1) 6:16 1:49:40PM (1) 6:19 1:49:41PM (1) 6:20 1:49:43PM (1) 6:21 1:49:47PM (1) 6:23 1:49:49PM (1) 6:25 1:49:54PM (2) 7:4,5 1:50:01PM (1) 7:9 1:50:04PM (1) 7:11 1:50:16PM (1) 7:15 1:50:18PM (1) 7:17 1:50:19PM (1) 7:19 1:50:36PM (1) 8:2 1:50:40PM (1) 8:4 1:50:41PM (1)
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8:6 1:50:44PM (1) 8:7 1:50:45PM (1) 8:8 1:50:50PM (1) 8:11 1:50:52PM (1) 8:12 1:50:59PM (1) 8:14 1:51:00PM (1) 8:15 1:51:14PM (1) 8:22 1:51:16PM (1) 8:24 1:51:20PM (1) 9:4 1:51:21PM (1) 9:5 1:51:27PM (1) 9:8 1:51:28PM (1) 9:9 1:52:17PM (1) 9:23 1:52:51PM (1) 10:11 1:52:53PM (2) 10:12,13 1:52:56PM (1) 10:14 1:53:18PM (1) 10:22 1:53:20PM (1) 10:23 1:53:21PM (1) 10:24 1:53:38PM (1) 11:5 1:53:53PM (1) 11:9 1:54:03PM (1) 11:13 1:54:06PM (1) 11:14 1:54:07PM (1) 11:15 1:54:13PM (2) 11:17,18 1:54:17PM (1) 11:20 1:54:23PM (1) 11:21 1:54:28PM (1) 11:24 1:54:35PM (1)	11:25 1:54:41PM (1) 12:4 1:54:47PM (1) 12:5 1:55:04PM (1) 12:10 1:55:15PM (1) 12:13 1:55:54PM (2) 12:17,18 1:56:11PM (1) 12:22 1:56:17PM (1) 12:24 1:56:23PM (1) 12:25 1:56:34PM (1) 13:5 1:56:42PM (2) 13:8,9 1:56:43PM (1) 13:10 1:56:47PM (1) 13:12 1:56:48PM (1) 13:13 1:56:49PM (1) 13:14 1:57:06PM (1) 13:20 1:57:08PM (1) 13:21 1:57:11PM (1) 13:23 1:57:17PM (1) 13:25 1:57:24PM (1) 14:3 1:57:33PM (1) 14:5 1:57:39PM (2) 14:8,9 1:57:46PM (1) 14:12 1:57:52PM (1) 14:13 1:57:56PM (1) 14:15 1:57:57PM (1) 14:16 1:58:10PM (1) 14:20 1:58:28PM (1) 15:2 1:58:32PM (1) 15:4 1:58:35PM (1)	15:5 1:58:40PM (1) 15:8 1:58:51PM (1) 15:12 1:58:55PM (1) 15:14 1:59:00PM (1) 15:16 1:59:12PM (1) 15:19 1:59:13PM (1) 15:20 1:59:14PM (1) 15:21 10 (12) 149:5,12 259:25 260:2,3,19 261:14 263:6,10 265:23 287:8 293:5 10-minute (1) 264:14 100 (5) 4:14 61:22 77:8 152:3 221:7 10003 (1) 3:6 10523 (1) 3:12 11 (7) 1:19 2:4 157:17,21 172:24 293:8 294:3 11501 (1) 4:7 11556-0926 (1) 3:22 11725 (1) 6:10 11788 (1) 4:15 12 (12) 22:9,17 41:21 42:4,6 174:7,10 242:19 260:12 292:13,14 293:10 12th (3) 12:7,10 292:13 12:00 (1) 107:10 1215 (1) 1:7 13 (4) 214:14 223:20 225:9 293:11 135 (1) 292:23 138 (1) 293:4	14 (3) 46:24 176:3 264:9 149 (1) 293:5 15 (2) 204:9 209:2 157 (1) 293:8 16 (2) 21:19 172:23 17 (1) 172:23 170 (1) 4:6 174 (1) 293:10 18 (4) 138:7 204:3,9 293:4 18th (2) 138:22 139:10 19 (1) 177:11 1999 (1) 25:20 <hr/> 2 <hr/> 2 (6) 12:6,8,15,24 292:14 294:8 2nd (7) 244:5 262:4 263:8 286:12 288:20,22 289:12 2:00 (1) 81:24 2:00:24PM (1) 16:14 2:00:35PM (1) 16:17 2:00:37PM (3) 16:18,19,20 2:00:41PM (2) 16:22,23 2:00:46PM (1) 16:25 2:00:47PM (1) 17:2 2:00:56PM (1) 17:5 2:00:57PM (1) 17:6 2:01:04PM (1) 17:9 2:01:10PM (1) 17:10 2:01:17PM (1) 17:14 2:01:19PM (1)	17:16 2:01:26PM (1) 17:18 2:01:29PM (1) 17:20 2:01:30PM (1) 17:21 2:01:35PM (2) 17:23,24 2:01:37PM (2) 17:25 18:2 2:01:38PM (1) 18:3 2:01:39PM (1) 18:4 2:01:44PM (1) 18:6 2:01:48PM (1) 18:8 2:02:03PM (1) 18:12 2:02:06PM (1) 18:13 2:02:11PM (1) 18:16 2:02:15PM (1) 18:18 2:02:18PM (1) 18:20 2:02:19PM (1) 18:21 2:02:24PM (1) 18:24 2:02:25PM (1) 18:25 2:02:36PM (1) 19:3 2:02:47PM (1) 19:8 2:02:55PM (1) 19:12 2:02:58PM (1) 19:13 2:03:01PM (1) 19:14 2:03:02PM (1) 19:15 2:03:05PM (1) 19:16 2:03:07PM (1) 19:17 2:03:09PM (1) 19:19 2:03:10PM (1) 19:20 2:03:16PM (1) 19:22 2:03:19PM (1)
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19:23 2:03:21PM (1) 19:24 2:03:29PM (1) 19:25 2:03:41PM (1) 20:3 2:03:47PM (1) 20:5 2:03:55PM (1) 20:7 2:03:59PM (1) 20:8 2:04:01PM (1) 20:9 2:04:02PM (2) 20:10,11 2:04:06PM (1) 20:13 2:04:18PM (1) 20:14 2:04:28PM (1) 20:16 2:04:39PM (1) 20:18 2:04:42PM (1) 20:20 2:04:45PM (1) 20:21 2:04:57PM (1) 20:25 2:04:58PM (1) 21:2 2:05:00PM (1) 21:3 2:05:10PM (1) 21:6 2:05:11PM (1) 21:7 2:05:21PM (1) 21:10 2:05:31PM (1) 21:15 2:05:38PM (1) 21:17 2:05:44PM (1) 21:18 2:05:52PM (1) 21:21 2:05:59PM (1) 21:24 2:06:02PM (1) 22:2 2:06:06PM (1) 22:3 2:06:07PM (1) 22:4 2:06:08PM (1)	22:5 2:06:09PM (1) 22:6 2:06:19PM (1) 22:9 2:06:25PM (1) 22:11 2:06:31PM (1) 22:13 2:06:35PM (1) 22:14 2:06:40PM (1) 22:17 2:06:48PM (1) 22:19 2:06:52PM (1) 22:21 2:06:53PM (1) 22:22 2:06:58PM (1) 22:24 2:07:05PM (1) 22:25 2:07:12PM (1) 23:3 2:07:23PM (1) 23:6 2:07:25PM (1) 23:7 2:07:29PM (1) 23:10 2:07:31PM (1) 23:12 2:07:34PM (1) 23:13 2:07:39PM (2) 23:16,17 2:07:43PM (1) 23:19 2:07:49PM (1) 23:21 2:07:57PM (1) 23:22 2:07:58PM (1) 23:23 2:08:03PM (1) 24:2 2:08:05PM (1) 24:3 2:08:38PM (1) 24:16 2:08:40PM (1) 24:17 2:08:50PM (1) 24:20 2:08:51PM (1) 24:21 2:09:02PM (1)	24:24 2:09:05PM (1) 25:2 2:09:15PM (1) 25:5 2:09:25PM (1) 25:6 2:09:44PM (2) 25:13,14 2:09:53PM (2) 25:17,18 2:09:59PM (1) 25:20 2:10:03PM (1) 25:22 2:10:11PM (2) 26:2,3 2:10:15PM (1) 26:5 2:10:18PM (2) 26:8,9 2:10:23PM (2) 26:11,12 2:10:30PM (1) 26:15 2:10:41PM (1) 26:16 2:10:46PM (2) 26:19,20 2:10:50PM (1) 26:22 2:10:51PM (1) 26:23 2:10:52PM (1) 26:24 2:10:57PM (1) 27:2 2:10:58PM (1) 27:3 2:11:05PM (1) 27:5 2:11:06PM (1) 27:6 2:11:16PM (2) 27:10,11 2:11:17PM (1) 27:12 2:11:20PM (1) 27:13 2:11:21PM (2) 27:14,15 2:11:23PM (1) 27:16 2:11:28PM (1) 27:18 2:11:37PM (2) 27:21,22 2:11:40PM (1)	27:23 2:11:42PM (1) 27:24 2:11:50PM (1) 28:3 2:11:53PM (1) 28:5 2:11:56PM (1) 28:6 2:12:01PM (2) 28:9,10 2:12:07PM (1) 28:12 2:12:15PM (1) 28:15 2:12:20PM (1) 28:17 2:12:30PM (1) 28:19 2:12:33PM (1) 28:20 2:12:34PM (1) 28:21 2:12:40PM (1) 28:22 2:12:48PM (1) 28:24 2:12:53PM (1) 28:25 2:13:00PM (1) 29:4 2:13:08PM (1) 29:7 2:13:12PM (1) 29:9 2:13:18PM (1) 29:11 2:13:20PM (2) 29:12,13 2:13:23PM (1) 29:14 2:13:33PM (1) 29:17 2:13:35PM (1) 29:18 2:13:43PM (1) 29:20 2:13:44PM (1) 29:21 2:13:45PM (1) 29:22 2:13:47PM (1) 29:23 2:13:49PM (1) 29:25 2:14:00PM (1) 30:2 2:14:05PM (1)	30:5 2:14:06PM (1) 30:6 2:14:10PM (1) 30:7 2:14:13PM (1) 30:9 2:14:14PM (1) 30:10 2:14:20PM (1) 30:12 2:14:33PM (1) 30:15 2:14:36PM (1) 30:16 2:14:45PM (1) 30:20 2:15:07PM (1) 30:21 2:15:20PM (1) 30:24 2:15:22PM (1) 30:25 2:15:30PM (1) 31:4 2:15:31PM (1) 31:5 2:15:35PM (1) 31:6 2:15:36PM (1) 31:7 2:15:38PM (1) 31:8 2:15:40PM (1) 31:9 2:15:46PM (1) 31:11 2:15:48PM (1) 31:12 2:15:50PM (1) 31:13 2:16:01PM (1) 31:16 2:16:08PM (1) 31:19 2:16:09PM (1) 31:20 2:16:10PM (1) 31:21 2:16:22PM (1) 31:22 2:16:31PM (1) 32:2 2:16:35PM (1) 32:3 2:16:36PM (1) 32:4 2:16:47PM (1)
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32:8	34:19	37:9	39:23,24	42:19
2:16:48PM (1)	2:19:11PM (1)	2:21:54PM (1)	2:24:35PM (1)	2:27:48PM (1)
32:9	34:20	37:13	40:2	42:23
2:16:51PM (1)	2:19:15PM (1)	2:21:58PM (1)	2:25:13PM (1)	2:27:49PM (1)
32:11	34:22	37:14	40:12	42:24
2:16:54PM (2)	2:19:18PM (1)	2:22:04PM (1)	2:25:15PM (1)	2:27:58PM (1)
32:13,14	34:24	37:15	40:13	43:3
2:16:55PM (1)	2:19:19PM (1)	2:22:21PM (4)	2:25:19PM (1)	2:27:59PM (1)
32:15	34:25	37:21,22,23,25	40:15	43:4
2:16:59PM (1)	2:19:25PM (1)	2:22:23PM (1)	2:25:23PM (1)	2:28:07PM (1)
32:18	35:3	38:2	40:17	43:6
2:17:00PM (1)	2:19:32PM (1)	2:22:34PM (1)	2:25:36PM (1)	2:28:16PM (1)
32:19	35:7	38:5	40:21	43:9
2:17:04PM (1)	2:19:34PM (1)	2:22:35PM (1)	2:25:37PM (1)	2:28:17PM (1)
32:21	35:8	38:6	40:22	43:10
2:17:05PM (1)	2:19:35PM (1)	2:22:42PM (1)	2:25:40PM (1)	2:28:18PM (1)
32:22	35:9	38:9	40:23	43:12
2:17:06PM (1)	2:19:41PM (1)	2:22:50PM (1)	2:25:42PM (3)	2:28:24PM (1)
32:23	35:10	38:10	40:24 41:2,3	43:13
2:17:10PM (2)	2:19:48PM (1)	2:22:52PM (1)	2:25:46PM (1)	2:28:31PM (1)
32:25 33:2	35:14	38:11	41:5	43:15
2:17:14PM (1)	2:19:53PM (1)	2:23:01PM (2)	2:25:48PM (1)	2:28:34PM (1)
33:3	35:15	38:13,14	41:6	43:16
2:17:30PM (1)	2:19:54PM (1)	2:23:10PM (1)	2:25:53PM (1)	2:28:35PM (1)
33:7	35:16	38:16	41:8	43:17
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33:9	35:20	38:20	41:9	43:20,21
2:17:37PM (1)	2:20:04PM (1)	2:23:24PM (1)	2:25:58PM (1)	2:28:53PM (1)
33:10	35:21	38:22	41:11	43:23
2:17:47PM (1)	2:20:14PM (1)	2:23:26PM (1)	2:25:59PM (1)	2:29:13PM (1)
33:13	35:25	38:23	41:12	44:6
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33:19	36:5	38:25	41:14	44:11
2:18:18PM (1)	2:20:27PM (1)	2:23:39PM (1)	2:26:05PM (1)	2:29:31PM (1)
33:22	36:6	39:2	41:15	44:12
2:18:20PM (1)	2:20:32PM (1)	2:23:44PM (2)	2:26:12PM (1)	2:29:34PM (1)
33:23	36:8	39:5,6	41:17	44:14
2:18:24PM (1)	2:20:34PM (1)	2:23:49PM (1)	2:26:15PM (1)	2:29:41PM (1)
33:25	36:9	39:8	41:19	44:16
2:18:25PM (1)	2:20:48PM (1)	2:23:52PM (1)	2:26:20PM (1)	2:29:42PM (1)
34:2	36:13	39:9	41:21	44:17
2:18:26PM (1)	2:20:55PM (1)	2:23:55PM (2)	2:26:23PM (1)	2:29:45PM (1)
34:3	36:16	39:10,11	41:22	44:18
2:18:27PM (1)	2:21:09PM (1)	2:23:56PM (1)	2:26:28PM (1)	2:29:52PM (1)
34:4	36:20	39:12	41:24	44:19
2:18:29PM (1)	2:21:18PM (1)	2:23:58PM (1)	2:26:32PM (1)	2:30:04PM (1)
34:5	36:23	39:13	41:25	44:24
2:18:30PM (1)	2:21:20PM (1)	2:24:03PM (1)	2:26:35PM (1)	2:30:05PM (1)
34:6	36:24	39:14	42:3	44:25
2:18:33PM (1)	2:21:24PM (1)	2:24:11PM (1)	2:26:51PM (1)	2:30:14PM (1)
34:8	37:2	39:17	42:7	45:5
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34:14	37:8	39:20,21	42:12	45:14
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45:15	47:25	50:6	52:16	54:15
2:30:50PM (1)	2:33:37PM (1)	2:36:26PM (1)	2:39:25PM (1)	2:41:40PM (1)
45:17	48:2	50:8	52:17	54:17
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45:19	48:3	50:12	52:20	54:19
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45:20,21	48:5	50:14	52:21	54:20
2:30:58PM (1)	2:33:45PM (1)	2:37:01PM (1)	2:39:42PM (1)	2:41:59PM (1)
45:23	48:6	50:17	52:23	54:21
2:31:04PM (1)	2:33:56PM (1)	2:37:02PM (1)	2:39:48PM (1)	2:42:03PM (1)
45:24	48:8	50:19	52:24	54:23
2:31:16PM (1)	2:33:58PM (1)	2:37:03PM (1)	2:39:58PM (1)	2:42:33PM (2)
46:4	48:9	50:20	53:2	55:2,3
2:31:17PM (1)	2:34:15PM (1)	2:37:12PM (1)	2:40:05PM (1)	2:42:36PM (1)
46:5	48:12	50:22	53:5	55:4
2:31:24PM (1)	2:34:22PM (1)	2:37:15PM (1)	2:40:12PM (1)	2:42:52PM (1)
46:8	48:13	50:23	53:8	55:8
2:31:34PM (1)	2:34:24PM (1)	2:37:16PM (1)	2:40:14PM (1)	2:43:00PM (1)
46:10	48:14	50:24	53:9	55:11
2:31:35PM (1)	2:34:28PM (1)	2:37:23PM (1)	2:40:20PM (1)	2:43:05PM (1)
46:11	48:16	50:25	53:11	55:12
2:32:00PM (1)	2:34:30PM (1)	2:37:26PM (1)	2:40:29PM (1)	2:43:13PM (1)
46:17	48:17	51:2	53:12	55:15
2:32:12PM (1)	2:34:33PM (1)	2:37:27PM (1)	2:40:43PM (1)	2:43:14PM (1)
46:21	48:18	51:3	53:16	55:16
2:32:15PM (1)	2:34:38PM (1)	2:37:30PM (1)	2:40:44PM (1)	2:43:26PM (1)
46:22	48:20	51:5	53:18	55:20
2:32:28PM (1)	2:34:39PM (1)	2:37:46PM (1)	2:40:45PM (1)	2:43:39PM (1)
46:24	48:21	51:6	53:19	55:21
2:32:29PM (1)	2:34:52PM (1)	2:37:52PM (2)	2:40:46PM (1)	2:43:47PM (1)
46:25	49:3	51:9,10	53:20	55:25
2:32:35PM (1)	2:34:53PM (1)	2:37:55PM (1)	2:40:48PM (1)	2:43:53PM (1)
47:4	49:4	51:12	53:21	56:2
2:32:52PM (1)	2:35:02PM (1)	2:37:56PM (1)	2:40:50PM (1)	2:43:54PM (1)
47:5	49:7	51:13	53:22	56:3
2:32:57PM (1)	2:35:03PM (1)	2:38:00PM (1)	2:40:52PM (1)	2:43:58PM (1)
47:7	49:8	51:15	53:23	56:5
2:32:59PM (1)	2:35:05PM (1)	2:38:03PM (1)	2:40:55PM (1)	2:43:59PM (1)
47:8	49:9	51:16	53:24	56:6
2:33:13PM (1)	2:35:11PM (1)	2:38:04PM (2)	2:41:01PM (1)	2:44:02PM (1)
47:13	49:11	51:17,18	54:2	56:7
2:33:16PM (1)	2:35:15PM (1)	2:38:10PM (1)	2:41:03PM (1)	2:44:08PM (1)
47:14	49:13	51:20	54:3	56:9
2:33:18PM (1)	2:35:20PM (1)	2:38:12PM (1)	2:41:05PM (1)	2:44:11PM (2)
47:15	49:14	51:21	54:4	56:11,12
2:33:19PM (1)	2:35:25PM (1)	2:38:28PM (1)	2:41:06PM (1)	2:44:15PM (1)
47:16	49:16	51:24	54:5	56:14
2:33:26PM (1)	2:35:31PM (1)	2:38:44PM (1)	2:41:10PM (1)	2:44:17PM (1)
47:19	49:18	52:2	54:7	56:15
2:33:27PM (1)	2:35:36PM (1)	2:38:58PM (1)	2:41:18PM (1)	2:44:22PM (1)
47:20	49:20	52:6	54:8	56:18
2:33:29PM (1)	2:35:54PM (1)	2:39:00PM (1)	2:41:24PM (1)	2:44:25PM (1)
47:21	49:22	52:7	54:10	56:19
2:33:30PM (1)	2:36:13PM (1)	2:39:12PM (1)	2:41:25PM (1)	2:44:34PM (1)
47:22	49:25	52:8	54:11	56:21
2:33:31PM (2)	2:36:18PM (1)	2:39:13PM (1)	2:41:34PM (1)	2:44:40PM (1)
47:23,24	50:4	52:14	54:13	56:23
2:33:32PM (1)	2:36:23PM (1)	2:39:22PM (1)	2:41:36PM (1)	2:44:41PM (1)

56:24	60:2	62:5	64:21	66:20
2:44:43PM (1)	2:48:01PM (1)	2:51:11PM (1)	2:56:03PM (1)	2:58:06PM (1)
57:2	60:4	62:7	64:23	66:22
2:44:44PM (1)	2:48:06PM (1)	2:51:20PM (1)	2:56:05PM (1)	2:58:09PM (1)
57:3	60:5	62:9	64:24	66:23
2:44:47PM (1)	2:48:11PM (1)	2:51:25PM (1)	2:56:21PM (1)	2:58:12PM (1)
57:5	60:6	62:10	65:5	66:24
2:44:49PM (1)	2:48:16PM (1)	2:51:34PM (1)	2:56:23PM (1)	2:58:17PM (1)
57:6	60:8	62:13	65:6	67:2
2:44:58PM (1)	2:48:21PM (1)	2:51:36PM (1)	2:56:38PM (1)	2:58:20PM (1)
57:10	60:10	62:14	65:7	67:3
2:45:09PM (1)	2:48:24PM (2)	2:51:46PM (1)	2:56:39PM (1)	2:58:44PM (1)
57:11	60:11,12	62:17	65:8	67:10
2:45:14PM (1)	2:48:29PM (1)	2:51:47PM (1)	2:56:44PM (1)	2:58:49PM (1)
57:13	60:13	62:18	65:10	67:12
2:45:43PM (2)	2:48:32PM (1)	2:51:48PM (1)	2:56:48PM (1)	2:58:50PM (1)
57:23,24	60:15	62:19	65:11	67:15
2:45:46PM (1)	2:48:35PM (1)	2:51:51PM (1)	2:56:54PM (1)	20 (5)
58:2	60:16	62:20	65:14	6:9 38:25 50:24
2:45:56PM (1)	2:48:38PM (1)	2:51:59PM (1)	2:56:59PM (1)	227:16 261:15
58:7	60:17	62:22	65:15	200 (2)
2:46:03PM (1)	2:48:39PM (1)	2:52:05PM (1)	2:57:00PM (1)	221:6 270:4
58:11	60:18	62:23	65:16	2003 (2)
2:46:05PM (1)	2:48:41PM (1)	2:52:12PM (1)	2:57:07PM (1)	20:4 260:23
58:12	60:19	63:2	65:19	2004 (18)
2:46:15PM (1)	2:49:01PM (1)	2:52:14PM (1)	2:57:10PM (1)	20:7,8,12 21:3,8,16
58:16	60:20	63:4	65:20	21:21 39:8 40:15,17
2:46:23PM (1)	2:49:06PM (2)	2:52:17PM (1)	2:57:12PM (1)	42:5,19 77:15 84:10
58:18	60:22,23	63:6	65:21	250:3 260:21 261:5
2:46:36PM (1)	2:49:23PM (1)	2:52:20PM (2)	2:57:18PM (1)	261:9
58:20	60:24	63:8,9	65:22	2005 (19)
2:46:37PM (1)	2:49:28PM (1)	2:52:35PM (1)	2:57:24PM (1)	22:2,6,8,10 39:8 41:6
58:21	61:2	63:13	65:24	42:6,22 65:10 84:16
2:46:49PM (1)	2:49:36PM (1)	2:52:53PM (1)	2:57:28PM (1)	219:25 220:3
59:3	61:4	63:17	66:2	258:18,20 259:10
2:46:53PM (1)	2:49:41PM (1)	2:53:02PM (1)	2:57:30PM (1)	261:5,9 280:20,21
59:5	61:5	63:20	66:3	2006 (35)
2:46:58PM (1)	2:49:49PM (1)	2:53:31PM (1)	2:57:31PM (1)	22:11,13,16 39:8
59:6	61:8	63:24	66:4	41:12,15 42:6,24
2:47:07PM (1)	2:49:59PM (1)	2:53:33PM (1)	2:57:37PM (1)	61:14 64:13 84:2,16
59:10	61:11	63:25	66:7	87:2,18 116:20
2:47:10PM (1)	2:50:08PM (1)	2:55:00PM (1)	2:57:41PM (1)	120:7 128:5 136:16
59:11	61:13	64:3	66:9	136:22 138:8,22
2:47:21PM (1)	2:50:12PM (1)	2:55:01PM (1)	2:57:42PM (1)	139:10,14,18
59:12	61:14	64:4	66:10	178:17 220:21
2:47:29PM (1)	2:50:21PM (1)	2:55:08PM (1)	2:57:46PM (2)	243:23,25 244:5,6
59:16	61:17	64:7	66:12,13	249:17,24 260:25
2:47:32PM (1)	2:50:29PM (1)	2:55:10PM (1)	2:57:47PM (1)	267:14 293:4
59:18	61:19	64:8	66:14	2007 (26)
2:47:34PM (1)	2:50:32PM (2)	2:55:22PM (1)	2:57:51PM (1)	22:19,24 43:4,14 52:2
59:19	61:21,22	64:12	66:16	52:3,10,11,14,18,19
2:47:44PM (1)	2:50:42PM (1)	2:55:36PM (1)	2:57:52PM (1)	52:22,24 53:2,7,9
59:22	61:24	64:15	66:17	61:15 64:13 84:16
2:47:45PM (1)	2:50:52PM (1)	2:55:37PM (1)	2:57:55PM (1)	101:5 136:24
59:23	62:2	64:16	66:18	137:13 158:23
2:47:47PM (1)	2:50:53PM (1)	2:55:52PM (1)	2:57:56PM (1)	185:11 220:5 232:3
59:24	62:3	64:18	66:19	2009 (11)
2:47:59PM (1)	2:51:03PM (1)	2:55:59PM (1)	2:58:00PM (1)	1:19 2:4 12:8,9,11,14
				290:20 291:15

292:13,14 294:3	68:9	70:25	73:23	76:24
21 (2)	3:05:22PM (1)	3:08:50PM (1)	3:12:23PM (2)	3:16:34PM (1)
204:2,8	68:10	71:4	74:2,3	77:3
21st (1)	3:05:23PM (1)	3:08:56PM (1)	3:12:25PM (1)	3:16:37PM (1)
291:15	68:11	71:6	74:4	77:5
214 (1)	3:05:28PM (1)	3:08:57PM (1)	3:12:42PM (1)	3:16:47PM (1)
293:11	68:13	71:7	74:8	77:6
24 (4)	3:05:29PM (1)	3:09:07PM (1)	3:12:56PM (1)	3:17:04PM (1)
11:16,19 21:20	68:14	71:10	74:11	77:12
177:21	3:05:31PM (1)	3:09:17PM (1)	3:13:04PM (1)	3:17:13PM (1)
24th (3)	68:15	71:14	74:13	77:14
12:9,14 292:14	3:05:37PM (1)	3:09:23PM (2)	3:13:10PM (1)	3:17:17PM (1)
24107 (1)	68:16	71:15,16	74:15	77:16
1:25	3:05:45PM (1)	3:09:50PM (1)	3:13:11PM (1)	3:17:20PM (1)
243 (1)	68:19	71:19	74:16	77:17
292:5	3:05:46PM (2)	3:10:00PM (1)	3:13:14PM (1)	3:17:29PM (1)
245 (1)	68:20,21	71:23	74:18	77:19
292:6	3:05:53PM (1)	3:10:03PM (2)	3:13:31PM (1)	3:17:32PM (1)
25 (6)	68:24	71:25 72:2	74:21	77:20
38:25 135:24 136:3	3:06:04PM (1)	3:10:05PM (1)	3:13:43PM (1)	3:17:33PM (1)
263:20 264:13	69:4	72:3	74:24	77:21
292:25	3:06:12PM (1)	3:10:11PM (1)	3:13:44PM (1)	3:17:34PM (1)
26 (1)	69:7	72:6	75:2	77:22
178:12	3:06:15PM (2)	3:10:22PM (1)	3:13:45PM (1)	3:17:35PM (1)
2662 (3)	69:9,10	72:8	75:3	77:23
82:17,19 292:22	3:06:20PM (1)	3:10:33PM (1)	3:13:50PM (1)	3:18:11PM (1)
27 (1)	69:13	72:13	75:5	78:7
158:23	3:06:22PM (1)	3:10:39PM (1)	3:14:22PM (1)	3:18:16PM (1)
27th (1)	69:15	72:16	75:15	78:9
159:18	3:06:34PM (1)	3:10:41PM (1)	3:14:23PM (1)	3:18:20PM (1)
28 (1)	69:18	72:17	75:16	78:11
264:10	3:07:07PM (1)	3:10:46PM (1)	3:14:32PM (1)	3:18:24PM (1)
281 (1)	69:22	72:18	75:20	78:13
292:7	3:07:15PM (1)	3:10:55PM (1)	3:14:41PM (1)	3:18:29PM (1)
	69:24	72:22	75:23	78:14
3	3:07:17PM (1)	3:11:01PM (1)	3:14:42PM (1)	3:18:34PM (1)
3 (5)	70:2	72:25	75:25	78:17
63:18,22 64:5 292:15	3:07:18PM (1)	3:11:05PM (1)	3:14:50PM (1)	3:18:36PM (1)
294:9	70:3	73:2	76:2	78:18
3-27-07 (1)	3:07:29PM (1)	3:11:15PM (1)	3:14:51PM (1)	3:18:45PM (1)
158:22	70:5	73:5	76:3	78:20
3:03:05PM (1)	3:07:35PM (1)	3:11:34PM (1)	3:14:54PM (1)	3:18:48PM (1)
67:18	70:7	73:9	76:5	78:21
3:03:06PM (1)	3:07:57PM (1)	3:11:36PM (1)	3:14:57PM (1)	3:19:04PM (1)
67:19	70:8	73:10	76:6	78:25
3:04:31PM (1)	3:08:09PM (1)	3:11:43PM (1)	3:15:07PM (1)	3:19:13PM (1)
67:23	70:13	73:13	76:8	79:5
3:04:33PM (1)	3:08:16PM (1)	3:11:45PM (1)	3:15:27PM (1)	3:19:20PM (1)
67:24	70:15	73:14	76:11	79:7
3:05:02PM (1)	3:08:22PM (1)	3:12:04PM (1)	3:15:29PM (1)	3:19:24PM (1)
68:3	70:17	73:17	76:12	79:9
3:05:05PM (1)	3:08:28PM (1)	3:12:08PM (1)	3:15:33PM (1)	3:19:27PM (1)
68:5	70:20	73:19	76:13	79:11
3:05:06PM (1)	3:08:33PM (1)	3:12:09PM (1)	3:15:40PM (1)	3:19:29PM (1)
68:6	70:22	73:20	76:15	79:13
3:05:15PM (1)	3:08:35PM (1)	3:12:18PM (1)	3:15:47PM (1)	3:19:32PM (1)
68:7	70:24	73:21	76:17	79:15
3:05:21PM (1)	3:08:43PM (1)	3:12:21PM (1)	3:16:24PM (1)	3:19:37PM (1)

79:16	82:15	85:7	87:19	90:22
3:19:39PM (1)	3:29:28PM (1)	3:37:01PM (1)	3:39:57PM (1)	3:44:11PM (1)
79:18	82:18	85:10	87:21	90:24
3:19:41PM (1)	3:32:38PM (1)	3:37:02PM (1)	3:40:03PM (1)	3:44:19PM (1)
79:19	82:22	85:11	87:23	90:25
3:19:43PM (1)	3:32:39PM (1)	3:37:06PM (1)	3:40:30PM (1)	3:44:22PM (1)
79:20	82:23	85:12	88:6	91:2
3:19:45PM (1)	3:32:51PM (1)	3:37:12PM (1)	3:40:41PM (1)	3:44:25PM (1)
79:21	82:25	85:15	88:8	91:3
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79:24	83:3	85:16	88:20	91:4
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80:2	83:4	85:19	88:23	91:6
3:20:10PM (1)	3:33:10PM (1)	3:37:21PM (1)	3:41:43PM (1)	3:44:34PM (1)
80:6	83:7	85:20	88:25	91:8
3:20:11PM (1)	3:33:16PM (1)	3:37:36PM (1)	3:41:51PM (1)	3:44:39PM (1)
80:7	83:10	85:22	89:3	91:10
3:20:18PM (1)	3:33:17PM (2)	3:37:45PM (1)	3:41:53PM (1)	3:44:40PM (1)
80:8	83:11,12	86:3	89:4	91:11
3:20:23PM (1)	3:33:18PM (1)	3:37:46PM (1)	3:41:57PM (1)	3:44:44PM (1)
80:10	83:13	86:4	89:6	91:12
3:20:30PM (1)	3:33:20PM (1)	3:37:47PM (1)	3:42:03PM (1)	3:44:55PM (1)
80:11	83:14	86:5	89:9	91:16
3:20:47PM (1)	3:33:29PM (1)	3:37:50PM (1)	3:42:19PM (1)	3:45:02PM (1)
80:18	83:15	86:7	89:10	91:17
3:20:57PM (1)	3:33:40PM (1)	3:37:54PM (1)	3:42:31PM (1)	3:45:04PM (1)
80:22	83:18	86:8	89:14	91:18
3:20:59PM (1)	3:33:45PM (1)	3:38:04PM (1)	3:42:37PM (1)	3:45:08PM (1)
80:23	83:20	86:12	89:16	91:20
3:21:02PM (1)	3:33:47PM (1)	3:38:06PM (1)	3:42:39PM (1)	3:45:13PM (1)
80:25	83:21	86:13	89:17	91:21
3:21:15PM (1)	3:33:54PM (1)	3:38:18PM (1)	3:42:56PM (1)	3:45:14PM (1)
81:3	83:23	86:14	89:20	91:23
3:21:18PM (1)	3:34:01PM (1)	3:38:22PM (2)	3:43:04PM (1)	3:45:16PM (1)
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3:21:34PM (1)	3:34:05PM (1)	3:38:29PM (1)	3:43:12PM (1)	3:45:20PM (1)
81:10	84:2	86:18	89:24	92:2
3:21:36PM (1)	3:34:20PM (1)	3:38:46PM (1)	3:43:26PM (1)	3:45:36PM (1)
81:12	84:3	86:20	89:25	92:7
3:21:45PM (1)	3:34:23PM (1)	3:39:00PM (1)	3:43:30PM (1)	3:45:46PM (1)
81:17	84:4	86:24	90:3	92:9
3:21:55PM (1)	3:34:28PM (1)	3:39:01PM (1)	3:43:37PM (1)	3:46:01PM (1)
81:19	84:5	86:25	90:6	92:14
3:22:14PM (1)	3:34:30PM (1)	3:39:10PM (1)	3:43:42PM (1)	3:46:19PM (2)
82:2	84:6	87:4	90:9	92:16,23
3:22:19PM (1)	3:34:37PM (1)	3:39:13PM (1)	3:43:44PM (1)	3:46:20PM (1)
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3:22:20PM (1)	3:35:21PM (1)	3:39:26PM (1)	3:43:51PM (1)	3:46:21PM (1)
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3:29:16PM (1)	3:36:54PM (1)	3:39:53PM (1)	3:44:08PM (1)	3:47:17PM (1)

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3:47:29PM (1)	3:51:28PM (1)	3:58:34PM (1)	4:04:18PM (1)	4:08:39PM (1)
93:16	96:15	102:16	104:19	107:24
3:47:34PM (1)	3:51:41PM (1)	3:58:36PM (1)	4:04:26PM (1)	4:08:45PM (1)
93:18	96:18	102:17	104:22	108:2
3:47:36PM (1)	3:52:20PM (1)	3:58:39PM (1)	4:04:27PM (1)	4:08:46PM (1)
93:19	97:7	102:19	104:23	108:3
3:47:39PM (1)	3:52:27PM (1)	3:58:45PM (1)	4:04:39PM (1)	4:08:52PM (1)
93:20	97:10	102:21	105:3	108:5
3:47:43PM (1)	3:53:02PM (1)	3:58:48PM (1)	4:04:44PM (1)	4:08:59PM (1)
93:22	97:24	102:23	105:5	108:9
3:47:45PM (1)	3:53:08PM (1)	3:58:51PM (1)	4:04:45PM (1)	4:09:16PM (1)
93:23	98:3	102:24	105:6	108:13
3:47:46PM (1)	3:53:09PM (1)	3:58:52PM (1)	4:04:50PM (1)	4:09:17PM (2)
93:24	98:4	102:25	105:7	108:14,15
3:47:52PM (1)	3:53:10PM (1)	30 (4)	4:05:04PM (1)	4:09:25PM (1)
94:4	98:5	120:15 264:11,13	105:10	108:18
3:47:53PM (1)	3:53:11PM (1)	278:12	4:05:11PM (1)	4:09:44PM (1)
94:5	98:6	30-by-40 (1)	105:12	108:24
3:47:59PM (1)	3:53:16PM (1)	264:12	4:05:13PM (1)	4:09:47PM (1)
94:7	98:8	37 (1)	105:13	108:25
3:48:07PM (1)	3:53:27PM (2)	180:14	4:05:25PM (1)	4:10:14PM (1)
94:11	98:10,12		105:17	109:6
3:48:11PM (1)	3:53:31PM (1)	4	4:05:43PM (1)	4:10:18PM (1)
94:13	98:14	4 (14)	105:21	109:8
3:48:14PM (1)	3:54:10PM (1)	22:9,17 41:21 42:3,6	4:05:53PM (1)	4:10:22PM (1)
94:14	98:23	67:11,13,20 68:4	105:25	109:10
3:48:24PM (1)	3:54:31PM (1)	69:6 71:7 76:7	4:06:00PM (1)	4:10:29PM (1)
94:17	99:7	260:12 292:17	106:2	109:12
3:48:26PM (1)	3:54:36PM (1)	4th (1)	4:06:11PM (1)	4:10:41PM (1)
94:19	99:8	244:5	106:6	109:17
3:48:34PM (2)	3:54:39PM (1)	4-to-12 (2)	4:06:16PM (1)	4:10:57PM (1)
94:22,24	99:9	161:13,14	106:7	109:21
3:49:31PM (1)	3:54:42PM (1)	4:01:53PM (1)	4:06:18PM (1)	4:11:05PM (1)
94:25	99:10	103:5	106:8	109:25
3:49:37PM (1)	3:54:45PM (1)	4:02:15PM (1)	4:06:27PM (1)	4:11:16PM (1)
95:4	99:12	103:9	106:12	110:3
3:49:44PM (1)	3:54:46PM (1)	4:02:16PM (1)	4:07:18PM (1)	4:11:19PM (1)
95:7	99:13	103:10	106:18	110:5
3:49:50PM (1)	3:54:52PM (1)	4:02:22PM (1)	4:07:20PM (1)	4:11:29PM (1)
95:9	99:16	103:13	106:19	110:9
3:49:52PM (1)	3:55:00PM (1)	4:02:24PM (1)	4:07:35PM (1)	4:11:34PM (1)
95:11	99:19	103:14	106:24	110:12
3:49:55PM (1)	3:55:05PM (1)	4:02:27PM (1)	4:07:42PM (1)	4:11:35PM (1)
95:13	99:20	103:15	107:2	110:13
3:49:57PM (1)	3:56:09PM (1)	4:03:06PM (1)	4:07:46PM (1)	4:11:36PM (1)
95:15	100:17	103:22	107:4	110:14
3:50:01PM (1)	3:56:25PM (1)	4:03:19PM (2)	4:07:52PM (2)	4:11:52PM (1)
95:16	100:23	104:2,3	107:6,7	110:20
3:50:06PM (1)	3:56:54PM (1)	4:03:21PM (1)	4:07:54PM (1)	4:11:56PM (1)
95:18	101:9	104:4	107:8	110:22
3:50:10PM (1)	3:56:58PM (1)	4:03:35PM (1)	4:08:19PM (1)	4:11:59PM (1)
95:19	101:11	104:7	107:15	110:23
3:50:21PM (1)	3:57:08PM (1)	4:03:58PM (1)	4:08:29PM (1)	4:12:00PM (1)
95:21	101:14	104:13	107:18	110:24
3:50:27PM (1)	3:57:38PM (1)	4:04:12PM (1)	4:08:30PM (2)	4:12:01PM (1)
95:22	101:21	104:17	107:19,20	110:25
3:50:32PM (1)	3:58:33PM (1)	4:04:17PM (1)	4:08:31PM (1)	4:12:07PM (1)

111:4 4:12:14PM (1) 111:7 4:12:33PM (1) 111:11 4:12:37PM (1) 111:12 4:12:57PM (1) 111:16 4:12:59PM (1) 111:17 4:13:17PM (1) 111:20 4:13:28PM (1) 111:24 4:13:32PM (1) 112:2 4:13:35PM (1) 112:3 4:13:45PM (1) 112:7 4:13:48PM (1) 112:9 4:13:58PM (1) 112:10 4:14:11PM (1) 112:14 4:14:13PM (1) 112:15 4:14:14PM (1) 112:16 4:14:21PM (1) 112:18 4:14:23PM (1) 112:19 4:14:25PM (1) 112:20 4:14:39PM (1) 113:2 4:14:40PM (1) 113:3 4:14:55PM (1) 113:8 4:14:58PM (2) 113:10,11 4:15:00PM (1) 113:13 4:15:01PM (1) 113:14 4:15:05PM (1) 113:16 4:15:06PM (1) 113:17 4:15:08PM (1) 113:18 4:15:09PM (2) 113:19,20 4:15:16PM (1)	113:22 4:15:18PM (1) 113:24 4:15:23PM (1) 114:2 4:15:24PM (1) 114:3 4:15:33PM (1) 114:7 4:15:35PM (1) 114:8 4:15:48PM (1) 114:12 4:15:56PM (1) 114:13 4:15:57PM (1) 114:14 4:16:03PM (1) 114:15 4:16:10PM (1) 114:16 4:16:41PM (1) 114:23 4:16:42PM (1) 114:24 4:17:03PM (1) 115:8 4:17:06PM (1) 115:10 4:17:18PM (1) 115:14 4:17:30PM (1) 115:19 4:17:31PM (1) 115:20 4:17:32PM (1) 115:21 4:17:53PM (1) 116:4 4:17:54PM (1) 116:5 4:17:55PM (1) 116:6 4:17:56PM (1) 116:7 4:18:06PM (1) 116:8 4:18:19PM (1) 116:12 4:18:23PM (1) 116:13 4:18:28PM (1) 116:14 4:18:38PM (1) 116:15 4:18:41PM (1) 116:17 4:18:43PM (1)	116:18 4:18:52PM (1) 116:21 4:19:00PM (1) 116:22 4:19:34PM (1) 117:7 4:19:41PM (1) 117:10 4:19:49PM (1) 117:11 4:19:50PM (1) 117:12 4:20:06PM (1) 117:14 4:20:57PM (1) 118:2 4:21:05PM (1) 118:5 4:21:15PM (1) 118:9 4:21:16PM (1) 118:10 4:21:20PM (2) 118:11,12 4:21:27PM (1) 118:15 4:21:38PM (1) 118:16 4:21:40PM (1) 118:17 4:21:49PM (1) 118:20 4:21:56PM (1) 118:23 4:22:02PM (1) 118:25 4:22:30PM (1) 119:10 4:22:41PM (1) 119:14 4:22:44PM (1) 119:16 4:22:48PM (1) 119:19 4:22:50PM (1) 119:21 4:23:01PM (1) 119:24 4:23:17PM (1) 120:3 4:23:24PM (1) 120:5 4:23:27PM (1) 120:6 4:23:37PM (1) 120:8 4:23:40PM (1)	120:10 4:23:46PM (1) 120:11 4:23:48PM (1) 120:12 4:23:57PM (1) 120:14 4:24:12PM (1) 120:19 4:24:36PM (1) 120:23 4:24:45PM (1) 121:3 4:24:49PM (2) 121:5,6 4:25:02PM (1) 121:8 4:25:13PM (1) 121:13 4:25:16PM (1) 121:14 4:25:19PM (1) 121:16 4:25:22PM (1) 121:17 4:25:50PM (1) 121:19 4:25:59PM (2) 121:22,23 4:26:03PM (1) 121:24 4:26:07PM (1) 122:2 4:26:15PM (1) 122:5 4:26:16PM (1) 122:6 4:26:19PM (1) 122:7 4:26:33PM (1) 122:13 4:26:42PM (1) 122:16 4:26:55PM (1) 122:18 4:26:56PM (1) 122:19 4:27:02PM (2) 122:21,22 4:27:04PM (2) 122:23,24 4:27:06PM (1) 122:25 4:27:13PM (1) 123:4 4:27:18PM (1) 123:5 4:27:27PM (1)	123:8 4:27:47PM (1) 123:15 4:28:05PM (1) 123:18 4:28:12PM (1) 123:20 4:28:24PM (1) 123:23 4:28:35PM (1) 124:2 4:28:43PM (2) 124:4,5 4:28:48PM (1) 124:7 4:28:50PM (1) 124:8 4:29:15PM (1) 124:11 4:29:30PM (1) 124:15 4:29:35PM (1) 124:18 4:29:49PM (1) 124:24 4:29:54PM (1) 125:2 4:30:10PM (1) 125:7 4:30:14PM (1) 125:9 4:30:16PM (1) 125:10 4:30:23PM (1) 125:12 4:30:25PM (1) 125:13 4:30:26PM (1) 125:14 4:30:30PM (1) 125:16 4:30:45PM (1) 125:21 4:30:56PM (1) 125:25 4:31:06PM (1) 126:4 4:31:11PM (1) 126:6 4:31:12PM (1) 126:7 4:31:16PM (1) 126:9 4:31:27PM (1) 126:12 4:31:28PM (1) 126:13 4:31:32PM (1)
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126:14 4:31:35PM (1) 126:16 4:31:37PM (1) 126:17 4:31:51PM (1) 126:22 4:32:04PM (1) 126:25 4:32:33PM (1) 127:3 4:32:43PM (1) 127:6 4:32:44PM (1) 127:7 4:32:48PM (1) 127:8 4:32:51PM (1) 127:10 4:32:57PM (1) 127:13 4:32:59PM (1) 127:14 4:33:00PM (1) 127:15 4:33:08PM (1) 127:16 4:33:25PM (1) 127:20 4:33:31PM (1) 127:21 4:33:39PM (1) 127:24 4:33:40PM (1) 127:25 4:33:41PM (1) 128:2 4:33:45PM (1) 128:3 4:33:54PM (2) 128:7,8 4:34:19PM (1) 128:9 4:34:42PM (1) 128:14 4:35:02PM (1) 128:21 4:35:04PM (1) 128:23 4:35:05PM (1) 128:24 4:35:28PM (1) 129:8 4:35:34PM (1) 129:11 4:35:38PM (1) 129:12 4:35:44PM (1)	129:14 4:35:45PM (1) 129:16 4:35:54PM (1) 129:17 4:35:58PM (1) 129:19 4:36:04PM (1) 129:20 4:36:07PM (1) 129:22 4:36:11PM (2) 129:24,25 4:36:19PM (1) 130:2 4:36:22PM (1) 130:3 4:36:23PM (1) 130:4 4:36:26PM (2) 130:6,7 4:36:29PM (1) 130:9 4:36:31PM (1) 130:10 4:36:32PM (1) 130:11 4:36:37PM (1) 130:12 4:36:40PM (1) 130:13 4:36:42PM (1) 130:15 4:36:43PM (1) 130:16 4:36:46PM (1) 130:18 4:36:50PM (1) 130:19 4:36:57PM (1) 130:22 4:36:58PM (1) 130:23 4:37:12PM (1) 131:3 4:37:23PM (1) 131:4 4:37:26PM (1) 131:5 4:37:36PM (1) 131:9 4:37:39PM (1) 131:10 4:37:43PM (1) 131:12 4:37:44PM (1) 131:13 4:37:45PM (1)	131:14 4:37:52PM (1) 131:17 4:37:57PM (2) 131:19,20 4:37:58PM (1) 131:21 4:38:00PM (1) 131:22 4:38:06PM (1) 131:25 4:38:07PM (1) 132:2 4:38:15PM (1) 132:5 4:38:31PM (1) 132:10 4:38:39PM (1) 132:13 4:38:42PM (1) 132:15 4:38:43PM (1) 132:16 4:38:52PM (1) 132:19 4:38:59PM (1) 132:20 4:39:06PM (1) 132:22 4:39:18PM (1) 132:25 4:39:20PM (1) 133:2 4:39:28PM (1) 133:6 4:39:33PM (1) 133:8 4:39:37PM (1) 133:10 4:39:44PM (1) 133:13 4:39:50PM (1) 133:15 4:39:55PM (1) 133:17 4:39:56PM (1) 133:18 4:40:00PM (1) 133:20 4:40:02PM (1) 133:21 4:40:09PM (1) 133:23 4:40:24PM (1) 133:25 4:40:34PM (1) 134:3 4:40:40PM (1)	134:5 4:40:45PM (1) 134:6 4:40:59PM (1) 134:10 4:41:05PM (1) 134:13 4:41:11PM (1) 134:16 4:41:13PM (1) 134:17 4:41:19PM (1) 134:20 4:41:24PM (1) 134:22 4:41:26PM (1) 134:23 4:41:38PM (1) 134:25 4:41:42PM (1) 135:3 4:41:53PM (1) 135:5 4:42:01PM (1) 135:7 4:42:08PM (1) 135:9 4:42:18PM (1) 135:10 4:42:24PM (2) 135:13,14 4:42:25PM (1) 135:15 4:42:27PM (1) 135:16 4:42:31PM (1) 135:18 4:42:32PM (1) 135:19 4:43:14PM (1) 135:20 4:43:30PM (1) 135:25 4:49:24PM (2) 136:6,8 4:50:08PM (1) 136:9 4:50:28PM (1) 136:13 4:50:30PM (1) 136:14 4:50:42PM (1) 136:16 4:50:53PM (1) 136:17 4:50:57PM (1) 136:18 4:51:02PM (1)	136:20 4:51:06PM (1) 136:21 4:51:07PM (1) 136:22 4:51:16PM (1) 136:24 4:51:27PM (1) 137:2 4:51:30PM (1) 137:4 4:51:31PM (1) 137:5 4:51:42PM (1) 137:7 4:51:57PM (1) 137:11 4:52:21PM (1) 137:13 4:52:43PM (1) 137:17 4:52:47PM (1) 137:19 4:52:49PM (1) 137:20 4:52:51PM (1) 137:21 4:52:59PM (1) 137:24 4:53:12PM (1) 138:3 4:53:19PM (2) 138:7,10 4:54:01PM (1) 138:11 4:54:04PM (2) 138:13,14 4:54:13PM (1) 138:16 4:54:15PM (1) 138:17 4:54:20PM (1) 138:19 4:54:36PM (1) 138:24 4:54:43PM (1) 139:2 4:54:44PM (1) 139:3 4:55:07PM (1) 139:8 4:55:13PM (1) 139:9 4:55:33PM (1) 139:13 4:55:51PM (1) 139:15 4:55:59PM (1)
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139:16	142:4	5:01:34PM (1)	5:05:32PM (1)	5:10:15PM (1)
4:56:00PM (1)	4:58:44PM (1)	144:10	147:24	150:20
139:17	142:5	5:01:35PM (1)	5:05:34PM (1)	5:10:22PM (1)
4:56:15PM (1)	4:58:49PM (1)	144:11	147:25	150:24
139:19	142:8	5:01:39PM (1)	5:05:44PM (1)	5:10:23PM (1)
4:56:23PM (1)	4:58:53PM (1)	144:12	148:5	150:25
139:22	142:9	5:01:40PM (1)	5:05:46PM (1)	5:10:30PM (1)
4:56:28PM (1)	4:58:57PM (1)	144:13	148:6	151:4
139:24	142:10	5:01:42PM (1)	5:05:51PM (1)	5:10:34PM (1)
4:56:31PM (1)	4:59:18PM (1)	144:15	148:7	151:6
139:25	142:13	5:01:43PM (1)	5:06:13PM (1)	5:10:37PM (2)
4:56:32PM (1)	4:59:33PM (1)	144:16	148:15	151:7,8
140:2	142:18	5:01:48PM (1)	5:06:27PM (1)	5:10:38PM (1)
4:56:38PM (1)	4:59:35PM (1)	144:17	148:20	151:9
140:3	142:20	5:02:09PM (1)	5:06:29PM (1)	5:10:40PM (1)
4:56:42PM (1)	40 (1)	144:24	148:21	151:10
140:4	264:11	5:02:15PM (1)	5:06:30PM (1)	5:10:50PM (1)
4:56:53PM (1)	43 (2)	145:2	148:23	151:13
140:6	181:15 182:5	5:02:22PM (1)	5:06:31PM (1)	5:10:53PM (1)
4:56:55PM (1)	4431 (3)	145:5	148:24	151:14
140:7	214:13 223:22 293:11	5:02:24PM (1)	5:06:33PM (1)	5:11:04PM (1)
4:56:58PM (1)	45 (1)	145:6	148:25	151:18
140:9	242:20	5:02:28PM (1)	5:06:42PM (1)	5:11:05PM (1)
4:57:01PM (1)	47 (2)	145:8	149:4	151:19
140:10	182:25 184:19	5:02:29PM (1)	5:07:03PM (2)	5:11:06PM (1)
4:57:02PM (1)	48 (2)	145:9	149:9,14	151:20
140:11	182:25 184:19	5:02:31PM (1)	5:07:43PM (1)	5:11:07PM (1)
4:57:15PM (1)		145:10	149:15	151:21
140:15	5	5:02:39PM (1)	5:07:56PM (1)	5:11:22PM (1)
4:57:26PM (1)	5 (15)	145:14	149:19	151:25
140:19	40:19,19,20,20 67:11	5:02:46PM (1)	5:08:19PM (1)	5:12:16PM (1)
4:57:36PM (1)	67:16 70:7 71:16,17	145:17	149:20	152:15
140:22	76:7,8,9 78:17	5:02:53PM (1)	5:08:21PM (1)	5:12:25PM (1)
4:57:43PM (1)	134:9 292:18	145:18	149:21	152:18
140:25	5:00 (1)	5:03:00PM (1)	5:08:23PM (1)	5:12:32PM (1)
4:57:45PM (1)	40:22	145:21	149:23	152:21
141:2	5:00:08PM (1)	5:03:10PM (1)	5:09:23PM (1)	5:12:33PM (1)
4:57:46PM (1)	143:4	145:23	149:24	152:22
141:3	5:00:21PM (1)	5:03:36PM (1)	5:09:26PM (1)	5:12:36PM (1)
4:57:54PM (1)	143:9	146:7	150:2	152:23
141:6	5:00:25PM (1)	5:03:44PM (1)	5:09:30PM (1)	5:12:37PM (1)
4:57:59PM (1)	143:10	146:10	150:3	152:24
141:9	5:00:27PM (1)	5:03:46PM (2)	5:09:39PM (1)	5:12:43PM (2)
4:58:05PM (1)	143:11	146:12,13	150:6	153:5,6
4:58:16PM (2)	5:00:29PM (1)	5:03:57PM (1)	5:09:40PM (1)	5:12:56PM (1)
141:11	143:12	146:14	150:7	153:11
4:58:23PM (1)	5:00:34PM (1)	5:04:03PM (1)	5:09:42PM (1)	5:13:31PM (1)
141:14,15	143:14	146:17	150:8	153:20
4:58:23PM (1)	5:00:41PM (1)	5:04:28PM (1)	5:09:45PM (1)	5:13:38PM (1)
141:18	143:16	147:2	150:10	153:22
4:58:24PM (1)	5:00:48PM (1)	5:04:31PM (1)	5:09:47PM (1)	5:13:42PM (1)
141:19	143:19	147:4	150:11	153:24
4:58:30PM (2)	5:01:13PM (1)	5:05:08PM (1)	5:09:55PM (1)	5:13:48PM (1)
141:22,23	144:2	147:19	150:13	154:3
4:58:32PM (2)	5:01:26PM (1)	5:05:14PM (1)	5:09:58PM (1)	5:13:55PM (1)
141:24,25	144:6	147:22	150:15	154:6
4:58:33PM (1)	5:01:27PM (1)	5:05:15PM (1)	5:10:03PM (1)	5:14:07PM (1)
142:2	144:7	147:23	150:16	154:11
4:58:40PM (1)				

5:14:09PM (1) 154:13	5:17:01PM (1) 156:25	5:21:12PM (1) 159:13	5:24:15PM (1) 161:21	5:27:08PM (1) 164:9
5:14:11PM (1) 154:14	5:17:05PM (1) 157:3	5:21:17PM (2) 159:14,15	5:24:19PM (1) 161:22	5:27:10PM (1) 164:11
5:14:12PM (1) 154:15	5:17:11PM (1) 157:5	5:21:21PM (1) 159:16	5:24:20PM (1) 161:23	5:27:15PM (1) 164:12
5:14:15PM (2) 154:17,18	5:17:12PM (1) 157:6	5:21:26PM (1) 159:17	5:24:30PM (1) 161:25	5:27:20PM (1) 164:14
5:14:16PM (1) 154:19	5:17:20PM (1) 157:8	5:21:37PM (1) 159:20	5:24:33PM (1) 162:3	5:27:22PM (2) 164:15,16
5:14:28PM (1) 154:23	5:17:22PM (1) 157:9	5:21:39PM (1) 159:21	5:24:38PM (1) 162:4	5:27:24PM (1) 164:18
5:14:29PM (1) 154:24	5:17:26PM (1) 157:12	5:21:41PM (1) 159:22	5:24:57PM (1) 162:9	5:27:25PM (1) 164:19
5:14:34PM (1) 155:3	5:17:27PM (1) 157:13	5:21:42PM (1) 159:23	5:25:07PM (1) 162:12	5:27:30PM (1) 164:21
5:14:35PM (1) 155:4	5:17:29PM (2) 157:14,15	5:21:44PM (1) 159:25	5:25:21PM (1) 162:17	5:27:46PM (2) 165:3,4
5:14:37PM (1) 155:5	5:18:36PM (1) 157:16	5:21:46PM (1) 160:2	5:25:22PM (1) 162:18	5:27:56PM (1) 165:7
5:14:38PM (1) 155:6	5:18:45PM (2) 157:19,23	5:21:48PM (1) 160:3	5:25:25PM (2) 162:21,22	5:27:57PM (1) 165:8
5:14:41PM (1) 155:7	5:19:32PM (1) 157:24	5:21:49PM (1) 160:4	5:25:26PM (1) 162:23	5:28:02PM (1) 165:10
5:14:42PM (1) 155:8	5:19:39PM (2) 158:3,4	5:21:50PM (1) 160:5	5:25:44PM (1) 163:2	5:28:04PM (1) 165:12
5:14:58PM (1) 155:10	5:19:41PM (1) 158:5	5:21:52PM (1) 160:6	5:25:51PM (1) 163:5	5:28:07PM (1) 165:14
5:15:10PM (1) 155:13	5:19:45PM (1) 158:6	5:21:59PM (1) 160:8	5:25:59PM (1) 163:7	5:28:14PM (1) 165:15
5:15:20PM (1) 155:15	5:19:58PM (1) 158:10	5:22:03PM (1) 160:10	5:26:12PM (1) 163:8	5:28:31PM (1) 165:21
5:15:21PM (1) 155:16	5:20:01PM (1) 158:11	5:22:21PM (1) 160:13	5:26:21PM (1) 163:11	5:28:32PM (1) 165:22
5:15:37PM (1) 155:18	5:20:06PM (1) 158:13	5:22:25PM (1) 160:15	5:26:23PM (1) 163:12	5:28:34PM (1) 165:23
5:15:43PM (1) 155:21	5:20:30PM (1) 158:19	5:22:37PM (1) 160:17	5:26:28PM (1) 163:14	5:28:41PM (1) 165:24
5:15:52PM (1) 155:24	5:20:41PM (1) 158:23	5:22:53PM (1) 160:22	5:26:29PM (1) 163:15	5:29:00PM (1) 166:3
5:15:57PM (1) 155:25	5:20:50PM (1) 158:25	5:23:05PM (1) 160:24	5:26:30PM (1) 163:16	5:29:02PM (1) 166:4
5:16:02PM (1) 156:3	5:20:52PM (1) 159:2	5:23:14PM (1) 161:2	5:26:39PM (1) 163:20	5:29:08PM (1) 166:6
5:16:03PM (1) 156:4	5:20:56PM (1) 159:4	5:23:25PM (2) 161:5,6	5:26:40PM (1) 163:21	5:29:11PM (1) 166:9
5:16:08PM (1) 156:7	5:20:58PM (1) 159:5	5:23:28PM (1) 161:7	5:26:44PM (1) 163:23	5:29:12PM (1) 166:10
5:16:09PM (1) 156:8	5:21:00PM (1) 159:6	5:23:32PM (1) 161:9	5:26:46PM (1) 163:24	5:29:18PM (1) 166:12
5:16:11PM (1) 156:9	5:21:04PM (1) 159:8	5:23:35PM (1) 161:10	5:26:51PM (1) 164:3	5:29:20PM (1) 166:13
5:16:53PM (1) 156:20	5:21:08PM (1) 159:10	5:23:41PM (1) 161:11	5:26:58PM (1) 164:5	5:29:24PM (1) 166:14
5:16:57PM (1) 156:22	5:21:10PM (1) 159:11	5:24:00PM (1) 161:17	5:27:05PM (1) 164:7	5:29:32PM (1) 166:17
5:16:58PM (1) 156:23	5:21:11PM (1) 159:12	5:24:13PM (1) 161:20	5:27:07PM (1) 164:8	5:29:33PM (1) 166:18

5:29:34PM (1) 166:19	5:31:59PM (1) 169:10	5:35:07PM (1) 172:8	5:39:28PM (1) 175:14	5:43:21PM (1) 178:12
5:29:37PM (1) 166:20	5:32:07PM (1) 169:12	5:35:10PM (1) 172:10	5:39:35PM (1) 175:15	5:43:38PM (1) 178:17
5:29:41PM (1) 166:22	5:32:18PM (1) 169:16	5:35:19PM (1) 172:15	5:39:49PM (1) 175:18	5:43:48PM (1) 178:21
5:29:44PM (1) 166:24	5:32:26PM (1) 169:19	5:35:28PM (1) 172:17	5:40:04PM (1) 175:24	5:43:49PM (2) 178:22,23
5:29:48PM (1) 166:25	5:32:27PM (1) 169:20	5:35:42PM (1) 172:21	5:40:07PM (1) 176:2	5:43:50PM (1) 178:24
5:29:52PM (1) 167:3	5:32:34PM (1) 169:24	5:35:43PM (2) 172:22,23	5:40:10PM (1) 176:3	5:43:56PM (1) 179:3
5:30:02PM (1) 167:6	5:32:35PM (1) 169:25	5:36:48PM (1) 173:13	5:40:30PM (1) 176:8	5:43:57PM (1) 179:4
5:30:10PM (1) 167:7	5:32:36PM (1) 170:2	5:36:50PM (1) 173:15	5:40:34PM (1) 176:9	5:43:58PM (1) 179:5
5:30:13PM (1) 167:9	5:32:37PM (1) 170:3	5:37:14PM (1) 173:16	5:40:42PM (1) 176:13	5:43:59PM (1) 179:6
5:30:22PM (1) 167:13	5:32:40PM (1) 170:6	5:37:20PM (1) 173:19	5:40:49PM (1) 176:15	5:44:06PM (1) 179:9
5:30:27PM (1) 167:15	5:32:43PM (1) 170:7	5:37:23PM (1) 173:21	5:40:53PM (1) 176:16	5:44:09PM (1) 179:11
5:30:28PM (2) 167:16,17	5:32:46PM (1) 170:9	5:37:24PM (1) 173:22	5:41:11PM (1) 176:21	5:44:18PM (1) 179:15
5:30:32PM (1) 167:19	5:33:08PM (1) 170:16	5:37:27PM (1) 173:24	5:41:13PM (1) 176:22	5:44:27PM (1) 179:16
5:30:33PM (1) 167:20	5:33:27PM (1) 170:20	5:37:33PM (1) 173:25	5:41:23PM (1) 176:25	5:44:39PM (1) 179:19
5:30:40PM (1) 167:23	5:33:50PM (1) 170:25	5:37:37PM (1) 174:3	5:41:36PM (1) 177:4	5:44:40PM (1) 179:20
5:30:57PM (1) 168:4	5:33:54PM (1) 171:3	5:37:38PM (1) 174:4	5:41:51PM (1) 177:9	5:44:45PM (1) 179:22
5:31:00PM (1) 168:5	5:33:58PM (1) 171:5	5:37:51PM (2) 174:9,12	5:41:52PM (1) 177:10	5:44:54PM (2) 180:2,3
5:31:03PM (1) 168:7	5:34:15PM (1) 171:9	5:38:26PM (1) 174:13	5:41:55PM (1) 177:11	5:45:10PM (1) 180:7
5:31:14PM (1) 168:12	5:34:23PM (1) 171:11	5:38:32PM (1) 174:16	5:42:25PM (1) 177:14	5:45:11PM (1) 180:8
5:31:19PM (1) 168:14	5:34:30PM (2) 171:13,14	5:38:34PM (1) 174:17	5:42:27PM (1) 177:15	5:45:14PM (1) 180:9
5:31:22PM (1) 168:16	5:34:31PM (1) 171:15	5:38:41PM (1) 174:19	5:42:32PM (1) 177:18	5:45:22PM (1) 180:11
5:31:25PM (1) 168:18	5:34:32PM (1) 171:16	5:38:53PM (1) 174:21	5:42:33PM (1) 177:19	5:45:24PM (1) 180:12
5:31:27PM (1) 168:19	5:34:41PM (1) 171:19	5:39:01PM (1) 174:24	5:42:35PM (1) 177:20	5:45:26PM (1) 180:13
5:31:28PM (1) 168:21	5:34:42PM (1) 171:20	5:39:03PM (1) 174:25	5:42:38PM (1) 177:21	5:45:35PM (1) 180:14
5:31:37PM (1) 168:24	5:34:43PM (1) 171:21	5:39:20PM (1) 175:8	5:42:52PM (2) 177:22,23	5:45:40PM (1) 180:16
5:31:44PM (1) 169:3	5:34:45PM (1) 171:22	5:39:22PM (1) 175:9	5:43:05PM (1) 178:4	5:46:27PM (1) 180:17
5:31:47PM (1) 169:5	5:34:55PM (1) 172:2	5:39:24PM (1) 175:10	5:43:13PM (1) 178:7	5:46:30PM (1) 180:19
5:31:55PM (1) 169:7	5:34:58PM (1) 172:3	5:39:25PM (1) 175:11	5:43:14PM (2) 178:8,9	5:46:33PM (1) 180:20
5:31:57PM (1) 169:9	5:35:06PM (1) 172:6	5:39:26PM (1) 175:12	5:43:17PM (1) 178:11	5:46:47PM (1) 180:24

5:46:49PM (1) 180:25	5:50:38PM (1) 183:9	5:53:14PM (1) 185:25	5:55:43PM (1) 188:16	5:59:27PM (1) 191:15
5:46:58PM (1) 181:4	5:50:39PM (1) 183:10	5:53:16PM (3) 186:3,4,5	5:55:49PM (1) 188:18	5:59:34PM (1) 191:18
5:46:59PM (1) 181:5	5:50:41PM (1) 183:12	5:53:22PM (1) 186:8	5:56:32PM (1) 189:7	5:59:38PM (1) 191:20
5:47:04PM (1) 181:6	5:50:49PM (1) 183:14	5:53:23PM (1) 186:9	5:56:58PM (1) 189:14	5:59:52PM (1) 191:24
5:47:06PM (1) 181:7	5:50:50PM (1) 183:15	5:53:39PM (1) 186:15	5:57:07PM (1) 189:16	5:59:53PM (1) 191:25
5:47:12PM (1) 181:10	5:50:52PM (1) 183:16	5:53:45PM (1) 186:18	5:57:08PM (1) 189:17	5:59:54PM (1) 192:2
5:47:26PM (1) 181:12	5:50:58PM (1) 183:19	5:53:49PM (1) 186:19	5:57:09PM (1) 189:18	50 (2) 108:22 271:9
5:47:34PM (1) 181:14	5:51:02PM (1) 183:21	5:54:01PM (1) 186:20	5:57:10PM (1) 189:19	53 (7) 197:25 198:2,2,9,13 198:20 244:19
5:47:42PM (1) 181:15	5:51:03PM (1) 183:22	5:54:09PM (1) 186:22	5:57:12PM (2) 189:20,21	530 (1) 3:11
5:47:51PM (1) 181:18	5:51:08PM (1) 183:24	5:54:10PM (1) 186:23	5:57:32PM (1) 189:24	54 (4) 197:17 198:2,9,20
5:48:43PM (1) 181:19	5:51:09PM (1) 183:25	5:54:23PM (1) 187:4	5:57:35PM (1) 189:25	55 (3) 196:19,21 198:20
5:48:45PM (1) 181:21	5:51:27PM (1) 184:7	5:54:24PM (1) 187:5	5:57:38PM (1) 190:3	550 (3) 149:6,9 293:5
5:48:46PM (1) 181:22	5:51:34PM (1) 184:10	5:54:31PM (1) 187:7	5:57:41PM (1) 190:4	553 (3) 149:6,9 293:5
5:49:05PM (1) 182:3	5:51:59PM (1) 184:15	5:54:34PM (1) 187:9	5:57:46PM (1) 190:6	556 (3) 149:6,10 293:5
5:49:06PM (1) 182:4	5:52:03PM (2) 184:17,18	5:54:44PM (1) 187:12	5:57:48PM (1) 190:7	56 (8) 196:10,16,22 197:7 198:13,20 204:15 244:19
5:49:08PM (1) 182:6	5:52:07PM (1) 184:19	5:54:46PM (1) 187:14	5:57:56PM (1) 190:8	58 (1) 205:12
5:49:09PM (1) 182:7	5:52:09PM (1) 184:20	5:54:47PM (1) 187:15	5:58:04PM (1) 190:10	
5:49:21PM (1) 182:8	5:52:10PM (1) 184:21	5:54:50PM (1) 187:17	5:58:10PM (2) 190:12,13	
5:49:29PM (1) 182:14	5:52:13PM (1) 184:23	5:54:54PM (1) 187:19	5:58:13PM (1) 190:14	6
5:49:30PM (1) 182:15	5:52:26PM (1) 185:4	5:55:05PM (2) 187:22,23	5:58:14PM (1) 190:15	6 (5) 73:3,7,11 76:7 292:19
5:49:34PM (1) 182:16	5:52:28PM (1) 185:5	5:55:11PM (1) 187:25	5:58:15PM (1) 190:16	6:00:01PM (1) 192:3
5:49:46PM (1) 182:18	5:52:29PM (1) 185:6	5:55:12PM (2) 188:2,3	5:58:21PM (1) 190:19	6:00:03PM (1) 192:4
5:49:48PM (1) 182:20	5:52:31PM (1) 185:7	5:55:15PM (1) 188:4	5:58:39PM (1) 190:24	6:00:05PM (1) 192:6
5:49:53PM (1) 182:22	5:52:36PM (1) 185:8	5:55:16PM (1) 188:5	5:58:48PM (1) 191:2	6:00:09PM (1) 192:8
5:49:55PM (1) 182:24	5:52:45PM (1) 185:12	5:55:21PM (1) 188:8	5:59:03PM (1) 191:5	6:00:10PM (2) 192:9,10
5:49:56PM (1) 182:25	5:52:48PM (1) 185:14	5:55:23PM (1) 188:9	5:59:15PM (1) 191:9	6:00:17PM (1) 192:12
5:50:11PM (1) 183:3	5:52:54PM (1) 185:17	5:55:29PM (1) 188:11	5:59:20PM (1) 191:11	6:00:23PM (1) 192:16
5:50:26PM (1) 183:4	5:52:55PM (1) 185:18	5:55:30PM (1) 188:12	5:59:23PM (1) 191:13	6:00:29PM (1) 192:19
5:50:37PM (2) 183:7,8	5:53:00PM (1) 185:19	5:55:41PM (1) 188:15	5:59:25PM (1) 191:14	6:00:34PM (2) 192:22,23
				6:00:35PM (1)

192:24 6:00:37PM (1) 193:2 6:00:41PM (1) 193:3 6:00:49PM (1) 193:6 6:00:50PM (1) 193:7 6:00:51PM (1) 193:8 6:00:52PM (1) 193:9 6:00:59PM (1) 193:11 6:01:05PM (1) 193:13 6:01:10PM (1) 193:16 6:01:13PM (1) 193:18 6:01:24PM (1) 193:21 6:01:32PM (1) 193:23 6:01:33PM (1) 193:24 6:01:38PM (1) 194:2 6:01:44PM (1) 194:3 6:02:06PM (1) 194:9 6:02:08PM (1) 194:10 6:02:13PM (1) 194:12 6:02:15PM (1) 194:13 6:02:17PM (1) 194:14 6:02:30PM (3) 194:18,19,20 6:02:36PM (1) 194:22 6:02:40PM (2) 194:24,25 6:02:48PM (1) 195:2 6:02:56PM (1) 195:5 6:03:11PM (1) 195:7 6:03:13PM (1) 195:8 6:03:16PM (1) 195:9 6:03:24PM (1)	195:12 6:03:29PM (1) 195:14 6:03:46PM (1) 195:19 6:03:54PM (1) 195:22 6:04:07PM (1) 195:23 6:04:12PM (1) 195:25 6:04:14PM (1) 196:2 6:04:15PM (2) 196:3,4 6:04:16PM (1) 196:5 6:04:25PM (2) 196:6,7 6:04:52PM (1) 196:10 6:04:56PM (1) 196:12 6:05:11PM (1) 196:13 6:05:32PM (1) 196:15 6:05:33PM (1) 196:16 6:05:34PM (1) 196:17 6:05:38PM (1) 196:18 6:06:17PM (1) 196:20 6:06:23PM (1) 196:23 6:06:24PM (1) 196:24 6:06:34PM (1) 197:3 6:06:44PM (1) 197:5 6:06:50PM (1) 197:7 6:06:58PM (1) 197:10 6:07:14PM (1) 197:11 6:07:16PM (1) 197:13 6:07:18PM (1) 197:14 6:07:39PM (1) 197:16 6:07:46PM (1) 197:19 6:07:50PM (1)	197:20 6:07:52PM (1) 197:22 6:07:53PM (1) 197:23 6:07:57PM (1) 197:25 6:08:00PM (1) 198:2 6:08:04PM (1) 198:3 6:08:11PM (1) 198:7 6:08:12PM (1) 198:8 6:08:52PM (1) 198:10 6:09:05PM (1) 198:16 6:09:44PM (1) 198:17 6:10:16PM (1) 198:18 6:10:26PM (1) 198:21 6:10:27PM (1) 198:22 6:10:45PM (1) 198:25 6:10:49PM (1) 199:3 6:10:50PM (1) 199:4 6:10:51PM (1) 199:5 6:10:54PM (1) 199:6 6:10:56PM (1) 199:8 6:10:57PM (1) 199:9 6:10:59PM (1) 199:10 6:11:10PM (1) 199:14 6:11:17PM (1) 199:17 6:11:20PM (2) 199:18,19 6:11:27PM (1) 199:22 6:11:28PM (1) 199:23 6:11:31PM (1) 199:24 6:11:38PM (1) 200:4 6:11:42PM (1)	200:6 6:11:45PM (1) 200:7 6:11:52PM (1) 200:10 6:12:33PM (1) 200:18 6:12:35PM (1) 200:19 6:12:37PM (1) 200:20 6:12:41PM (1) 200:21 6:12:54PM (1) 200:24 6:12:58PM (1) 200:25 6:13:01PM (1) 201:3 6:13:03PM (1) 201:4 6:13:08PM (1) 201:6 6:13:56PM (1) 201:17 6:14:04PM (1) 201:19 6:14:06PM (1) 201:20 6:14:20PM (1) 201:23 6:14:27PM (1) 202:3 6:14:29PM (1) 202:4 6:14:32PM (1) 202:6 6:14:39PM (1) 202:9 6:14:48PM (1) 202:13 6:14:53PM (1) 202:16 6:15:00PM (1) 202:19 6:15:02PM (1) 202:21 6:15:11PM (1) 202:25 6:15:24PM (1) 203:5 6:15:25PM (1) 203:6 6:15:31PM (1) 203:9 6:15:41PM (1) 203:11 6:15:55PM (1)	203:14 6:15:57PM (1) 203:15 6:16:04PM (1) 203:17 6:16:05PM (1) 203:18 6:16:12PM (1) 203:21 6:16:13PM (2) 203:22,23 6:16:15PM (1) 203:24 6:16:18PM (1) 204:2 6:16:23PM (1) 204:4 6:16:26PM (1) 204:6 6:16:36PM (1) 204:10 6:16:45PM (1) 204:13 6:16:48PM (1) 204:14 6:17:02PM (1) 204:18 6:17:07PM (1) 204:21 6:17:10PM (1) 204:23 6:17:16PM (1) 205:2 6:17:19PM (1) 205:4 6:17:21PM (1) 205:5 6:17:50PM (1) 205:11 6:17:53PM (1) 205:13 6:18:18PM (1) 205:16 6:18:28PM (1) 205:19 6:18:42PM (1) 205:22 6:18:44PM (1) 205:23 6:18:47PM (1) 205:24 6:18:49PM (1) 205:25 6:18:50PM (1) 206:2 6:18:52PM (1) 206:3 6:18:56PM (1)
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206:6 6:18:58PM (1) 206:7 6:19:00PM (1) 206:8 6:19:01PM (1) 206:9 6:19:02PM (1) 206:10 6:19:06PM (1) 206:12 6:19:08PM (1) 206:13 6:19:13PM (1) 206:15 6:19:14PM (1) 206:16 6:19:24PM (1) 206:18 6:19:26PM (1) 206:19 6:19:32PM (1) 206:22 6:19:43PM (1) 207:2 6:20:00PM (1) 207:6 6:20:03PM (1) 207:7 6:20:14PM (1) 207:12 6:20:16PM (1) 207:13 6:20:18PM (1) 207:14 6:20:19PM (1) 207:15 6:20:22PM (1) 207:17 6:20:24PM (1) 207:18 6:20:26PM (1) 207:19 6:20:29PM (1) 207:20 6:20:34PM (1) 207:22 6:20:41PM (1) 207:24 6:20:45PM (1) 207:25 6:21:06PM (1) 208:5 6:21:23PM (1) 208:11 6:21:25PM (1) 208:12 6:21:45PM (1)	208:17 6:21:59PM (1) 208:22 6:22:05PM (1) 208:24 6:22:28PM (1) 209:10 6:22:31PM (3) 209:12,13,14 6:22:41PM (1) 209:16 6:22:42PM (1) 209:17 6:22:46PM (1) 209:19 6:22:47PM (1) 209:20 6:22:53PM (1) 209:23 6:22:54PM (1) 209:24 6:22:55PM (1) 209:25 6:22:58PM (1) 210:3 6:23:24PM (1) 210:8 6:23:37PM (1) 210:11 6:23:38PM (1) 210:12 6:23:45PM (1) 210:15 6:23:47PM (1) 210:16 6:23:58PM (1) 210:21 6:24:05PM (1) 210:23 6:24:10PM (1) 210:25 6:24:14PM (1) 211:3 6:24:31PM (1) 211:8 6:24:40PM (2) 211:10,11 6:24:51PM (1) 211:14 6:25:13PM (1) 211:20 6:25:14PM (1) 211:21 6:25:15PM (1) 211:22 6:25:33PM (1) 211:24 6:25:50PM (1)	212:7 6:25:54PM (1) 212:8 6:26:08PM (1) 212:13 6:26:15PM (1) 212:16 6:26:18PM (1) 212:17 6:26:22PM (1) 212:18 6:26:39PM (1) 212:21 6:26:41PM (1) 212:22 6:26:42PM (1) 212:23 6:27:28PM (1) 213:13 6:27:36PM (1) 213:17 6:27:37PM (1) 213:19 6:28:13PM (1) 214:7 6:28:19PM (1) 214:9 6:33:46PM (1) 214:11 6:33:48PM (2) 214:13,16 6:35:31PM (1) 214:17 6:36:24PM (2) 214:23,24 6:36:29PM (1) 214:25 6:36:30PM (1) 215:2 6:36:37PM (1) 215:6 6:36:40PM (1) 215:7 6:36:45PM (1) 215:8 6:36:47PM (1) 215:9 6:36:49PM (1) 215:10 6:37:01PM (1) 215:13 6:37:07PM (1) 215:16 6:37:11PM (1) 215:18 6:37:14PM (1) 215:20 6:37:16PM (1)	215:21 6:37:19PM (1) 215:22 6:37:30PM (1) 215:24 6:37:52PM (1) 216:7 6:37:56PM (1) 216:9 6:37:57PM (1) 216:10 6:37:59PM (1) 216:11 6:38:05PM (1) 216:13 6:38:07PM (1) 216:15 6:38:18PM (1) 216:17 6:38:19PM (2) 216:18,22 6:38:21PM (1) 216:23 6:38:27PM (1) 217:3 6:38:34PM (1) 217:4 6:38:46PM (1) 217:7 6:38:54PM (1) 217:9 6:39:03PM (2) 217:12,13 6:39:06PM (1) 217:15 6:39:11PM (1) 217:16 6:39:19PM (1) 217:19 6:39:32PM (1) 217:22 6:39:39PM (1) 217:24 6:39:40PM (1) 217:25 6:39:50PM (1) 218:3 6:39:53PM (1) 218:4 6:40:09PM (1) 218:8 6:40:16PM (1) 218:10 6:40:21PM (1) 218:12 6:40:43PM (1) 218:14 6:40:50PM (1)	218:17 6:40:52PM (1) 218:19 6:40:55PM (1) 218:21 6:41:00PM (1) 218:22 6:41:05PM (1) 218:24 6:41:06PM (1) 218:25 6:41:08PM (1) 219:2 6:41:10PM (1) 219:3 6:41:22PM (1) 219:5 6:41:25PM (1) 219:7 6:41:27PM (1) 219:8 6:41:36PM (1) 219:11 6:41:37PM (1) 219:12 6:41:40PM (1) 219:13 6:41:41PM (1) 219:14 6:41:43PM (1) 219:15 6:41:44PM (1) 219:16 6:41:46PM (1) 219:18 6:41:53PM (1) 219:19 6:42:00PM (2) 219:20,21 6:42:02PM (1) 219:22 6:42:03PM (1) 219:23 6:42:11PM (1) 219:24 6:42:22PM (1) 220:4 6:42:26PM (2) 220:6,7 6:42:30PM (1) 220:9 6:42:32PM (1) 220:10 6:42:35PM (1) 220:12 6:42:37PM (1) 220:13 6:42:39PM (1)
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220:14 6:42:45PM (1) 220:15 6:42:48PM (1) 220:16 6:42:49PM (1) 220:17 6:43:10PM (1) 220:19 6:43:12PM (1) 220:20 6:43:18PM (1) 220:22 6:43:20PM (1) 220:23 6:43:26PM (1) 221:2 6:43:28PM (1) 221:3 6:43:41PM (1) 221:5 6:44:02PM (1) 221:10 6:44:12PM (2) 221:13,14 6:44:14PM (1) 221:15 6:44:15PM (1) 221:17 6:44:17PM (1) 221:19 6:44:24PM (1) 221:21 6:44:25PM (1) 221:22 6:44:26PM (1) 221:23 6:44:30PM (1) 221:25 6:44:31PM (1) 222:2 6:44:32PM (1) 222:3 6:44:37PM (1) 222:4 6:44:49PM (1) 222:8 6:44:52PM (1) 222:9 6:44:55PM (1) 222:10 6:45:08PM (1) 222:14 6:45:13PM (1) 222:15 6:45:22PM (1) 222:18 6:45:26PM (1)	222:19 6:45:27PM (1) 222:20 6:45:32PM (1) 222:22 6:45:34PM (1) 222:23 6:45:42PM (1) 222:24 6:45:54PM (1) 223:5 6:46:08PM (1) 223:8 6:46:14PM (1) 223:10 6:46:19PM (1) 223:13 6:46:21PM (1) 223:14 6:46:23PM (1) 223:15 6:46:24PM (1) 223:16 6:46:30PM (1) 223:18 6:46:45PM (1) 223:19 6:46:57PM (1) 223:23 6:47:11PM (1) 224:2 6:47:24PM (1) 224:6 6:47:25PM (1) 224:7 6:47:31PM (1) 224:8 6:47:37PM (1) 224:11 6:47:41PM (1) 224:12 6:48:05PM (1) 224:15 6:48:11PM (1) 224:16 6:48:15PM (1) 224:18 6:48:17PM (1) 224:19 6:48:30PM (1) 224:24 6:48:33PM (1) 224:25 6:48:42PM (1) 225:5 6:48:43PM (2) 6:48:44PM (1)	225:8 6:48:57PM (1) 225:11 6:49:03PM (1) 225:13 6:49:06PM (1) 225:14 6:49:09PM (1) 225:15 6:49:21PM (1) 225:19 6:49:31PM (1) 225:21 6:49:40PM (1) 225:23 6:49:45PM (1) 225:25 6:49:55PM (1) 226:5 6:50 (1) 227:23 6:50:00PM (1) 226:7 6:50:03PM (1) 226:8 6:50:06PM (1) 226:10 6:50:07PM (1) 226:11 6:50:15PM (1) 226:14 6:50:20PM (1) 226:15 6:50:21PM (1) 226:17 6:50:22PM (1) 226:18 6:50:26PM (1) 226:19 6:50:33PM (1) 226:22 6:50:37PM (1) 226:24 6:50:56PM (1) 227:4 6:51:03PM (1) 227:7 6:51:08PM (1) 227:9 6:51:12PM (1) 227:11 6:51:14PM (1) 227:12 6:51:16PM (1) 227:13 6:51:21PM (1) 227:16 6:51:33PM (1)	227:18 6:51:43PM (1) 227:22 6:52:05PM (1) 228:4 6:52:09PM (1) 228:5 6:52:20PM (1) 228:10 6:52:23PM (1) 228:12 6:52:24PM (1) 228:13 6:52:28PM (1) 228:15 6:52:31PM (1) 228:16 6:52:33PM (1) 228:17 6:52:38PM (1) 228:19 6:52:43PM (1) 228:20 6:52:46PM (1) 228:22 6:53:12PM (1) 229:6 6:53:14PM (1) 229:8 6:53:15PM (1) 229:9 6:53:19PM (1) 229:11 6:53:35PM (1) 229:14 6:53:37PM (2) 229:16,17 6:53:54PM (1) 229:22 6:53:58PM (1) 229:24 6:55:05PM (1) 230:23 6:55:08PM (2) 231:2,3 6:55:24PM (1) 231:7 6:55:27PM (1) 231:8 6:55:42PM (2) 231:14,15 6:55:44PM (1) 231:16 6:55:52PM (2) 231:20,21 6:56:05PM (1) 231:25 6:56:06PM (1)	232:2 6:56:16PM (2) 232:6,7 6:56:17PM (1) 232:8 6:56:23PM (1) 232:9 6:56:29PM (1) 232:12 6:56:31PM (1) 232:13 6:56:35PM (1) 232:14 6:56:59PM (1) 232:23 6:57:02PM (1) 233:2 6:57:04PM (1) 233:3 6:57:12PM (1) 233:7 6:57:27PM (1) 233:9 6:57:30PM (1) 233:11 6:57:32PM (1) 233:12 6:57:33PM (2) 233:13,15 6:59:03PM (1) 233:16 6:59:12PM (1) 233:18 6:59:30PM (2) 233:23,24 6:59:33PM (1) 233:25 6:59:45PM (1) 234:5 6:59:49PM (1) 234:6 6:59:54PM (1) 234:7 63 (2) 208:18 292:15 67 (2) 292:17,18 <hr/> 7 <hr/> 7 (4) 82:16,20,24 292:21 7:00:00PM (1) 234:9 7:00:04PM (1) 234:11 7:00:06PM (1) 234:12 7:00:15PM (1)
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234:15 7:00:21PM (1) 234:17 7:00:30PM (1) 234:19 7:00:36PM (1) 234:21 7:00:38PM (1) 234:22 7:00:39PM (1) 234:23 7:00:46PM (1) 234:25 7:00:48PM (1) 235:2 7:00:59PM (1) 235:5 7:01:07PM (1) 235:8 7:01:09PM (2) 235:9,10 7:01:14PM (1) 235:12 7:01:15PM (1) 235:13 7:01:23PM (1) 235:16 7:01:33PM (1) 235:19 7:01:47PM (1) 235:23 7:01:59PM (1) 236:3 7:02:03PM (1) 236:6 7:02:04PM (1) 236:7 7:02:07PM (1) 236:9 7:02:09PM (1) 236:10 7:02:12PM (2) 236:12,13 7:02:14PM (1) 236:14 7:02:18PM (1) 236:16 7:02:21PM (1) 236:18 7:02:22PM (1) 236:19 7:02:23PM (1) 236:20 7:02:24PM (1) 236:21 7:02:32PM (1) 236:23 7:02:37PM (1)	236:24 7:02:42PM (2) 237:2,3 7:02:45PM (1) 237:4 7:02:47PM (1) 237:5 7:02:50PM (2) 237:6,7 7:02:55PM (1) 237:9 7:02:59PM (1) 237:11 7:03:00PM (1) 237:12 7:03:15PM (1) 237:18 7:03:19PM (1) 237:21 7:03:24PM (1) 237:23 7:03:26PM (1) 237:24 7:03:31PM (1) 238:2 7:03:37PM (1) 238:4 7:03:42PM (1) 238:7 7:03:45PM (1) 238:9 7:03:51PM (1) 238:12 7:03:53PM (1) 238:14 7:04:05PM (1) 238:20 7:04:11PM (1) 238:22 7:04:15PM (1) 239:2 7:04:17PM (1) 239:3 7:04:20PM (1) 239:5 7:04:28PM (1) 239:7 7:04:30PM (1) 239:8 7:04:37PM (1) 239:11 7:04:49PM (1) 239:16 7:05:07PM (1) 239:24 7:05:08PM (1) 239:25 7:05:13PM (1)	240:3 7:05:19PM (1) 240:4 7:05:23PM (1) 240:6 7:05:24PM (1) 240:7 7:05:27PM (1) 240:8 7:05:30PM (1) 240:9 7:05:31PM (2) 240:10,11 7:05:34PM (1) 240:13 7:05:35PM (1) 240:14 7:05:50PM (1) 240:16 7:06:50PM (1) 241:8 7:06:52PM (1) 241:10 7:06:54PM (1) 241:11 7:06:58PM (1) 241:13 7:07:09PM (1) 241:18 7:07:12PM (1) 241:20 7:07:14PM (1) 241:21 7:07:23PM (1) 241:24 7:07:24PM (1) 241:25 7:07:28PM (1) 242:4 7:07:29PM (1) 242:5 7:07:31PM (2) 242:6,7 7:07:33PM (1) 242:9 7:07:35PM (1) 242:10 7:07:43PM (1) 242:12 7:07:47PM (1) 242:13 7:07:53PM (1) 242:15 7:07:55PM (1) 242:16 7:08:21PM (1) 242:24 7:08:26PM (1)	242:25 7:08:32PM (1) 243:3 7:08:34PM (1) 243:4 7:08:40PM (1) 243:6 7:08:43PM (1) 243:7 7:08:47PM (1) 243:9 7:08:59PM (1) 243:13 7:09:02PM (1) 243:14 7:09:14PM (1) 243:16 7:09:21PM (1) 243:19 7:09:28PM (1) 243:20 7:09:31PM (1) 243:21 7:09:39PM (1) 243:24 7:09:42PM (1) 243:25 7:09:54PM (1) 244:2 7:09:55PM (1) 244:3 7:10:15PM (1) 244:7 7:10:32PM (1) 244:8 7:10:41PM (2) 244:12,13 7:10:46PM (1) 244:15 7:10:58PM (1) 244:17 7:11:21PM (1) 244:22 7:11:22PM (1) 244:23 7:11:30PM (1) 244:25 7:11:35PM (1) 245:2 7:11:39PM (2) 245:4,5 7:11:45PM (1) 245:7 7:11:52PM (1) 245:8 7:12:06PM (1) 245:11 7:12:16PM (1)	245:12 7:12:17PM (1) 245:14 7:12:30PM (1) 245:15 7:12:38PM (1) 245:16 7:12:57PM (1) 245:20 7:13:02PM (1) 245:22 7:13:09PM (1) 245:25 7:13:11PM (1) 246:2 7:13:13PM (1) 246:3 7:13:15PM (2) 246:5,6 7:13:17PM (1) 246:7 7:13:27PM (1) 246:9 7:13:40PM (1) 246:13 7:13:43PM (1) 246:14 7:13:45PM (1) 246:16 7:13:56PM (1) 246:20 7:14:12PM (1) 246:23 7:14:17PM (1) 247:2 7:14:19PM (1) 247:3 7:14:29PM (2) 247:7,8 7:14:31PM (1) 247:9 7:14:34PM (1) 247:10 7:14:36PM (1) 247:11 7:14:47PM (2) 247:16,17 7:14:50PM (1) 247:19 7:14:56PM (1) 247:21 7:15 (1) 242:17 7:15:05PM (1) 247:25 7:15:06PM (1) 248:2 7:15:14PM (2)
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248:5,6 7:15:21PM (1) 248:9 7:15:26PM (1) 248:10 7:15:31PM (1) 248:12 7:15:40PM (1) 248:16 7:15:41PM (1) 248:17 7:15:46PM (1) 248:18 7:15:51PM (1) 248:21 7:15:53PM (1) 248:23 7:16:05PM (1) 249:5 7:16:25PM (1) 249:6 7:16:36PM (1) 249:10 7:16:39PM (1) 249:11 7:16:51PM (1) 249:15 7:16:56PM (1) 249:16 7:17:16PM (1) 249:21 7:17:18PM (1) 249:23 7:17:35PM (1) 250:4 7:17:36PM (1) 250:5 7:17:38PM (1) 250:7 7:17:42PM (1) 250:8 7:18:02PM (1) 250:11 7:18:08PM (1) 250:14 7:18:12PM (1) 250:16 7:18:13PM (1) 250:17 7:18:15PM (1) 250:18 7:18:31PM (1) 250:22 7:18:32PM (1) 250:23 7:18:36PM (1) 250:25 7:18:51PM (1)	251:4 7:18:53PM (1) 251:5 7:18:54PM (1) 251:6 7:19:01PM (1) 251:8 7:19:05PM (1) 251:9 7:19:08PM (1) 251:10 7:19:14PM (2) 251:11,12 7:19:16PM (1) 251:13 7:19:18PM (1) 251:14 7:19:19PM (1) 251:15 7:19:26PM (1) 251:16 7:19:48PM (1) 251:20 7:19:56PM (1) 251:23 7:19:58PM (1) 251:24 7:20:09PM (1) 252:3 7:20:25PM (1) 252:6 7:20:49PM (1) 252:13 7:21:20PM (1) 252:14 7:21:23PM (1) 252:16 7:21:31PM (1) 252:19 7:21:37PM (1) 252:22 7:21:46PM (1) 253:2 7:21:47PM (1) 253:3 7:21:59PM (1) 253:6 7:22:01PM (1) 253:8 7:22:02PM (1) 253:9 7:22:12PM (1) 253:13 7:22:16PM (1) 253:15 7:22:20PM (1) 253:16 7:22:22PM (1)	253:17 7:22:27PM (1) 253:19 7:22:34PM (1) 253:21 7:22:37PM (1) 253:22 7:22:41PM (1) 253:24 7:22:48PM (1) 254:3 7:22:50PM (1) 254:4 7:22:54PM (1) 254:6 7:22:55PM (1) 254:7 7:23:00PM (2) 254:9,10 7:23:02PM (1) 254:11 7:23:05PM (1) 254:12 7:23:18PM (1) 254:15 7:23:19PM (1) 254:16 7:23:23PM (1) 254:17 7:23:44PM (1) 254:20 7:23:46PM (1) 254:21 7:23:49PM (1) 254:22 7:23:51PM (1) 254:23 7:23:52PM (1) 254:24 7:24:02PM (2) 255:3,4 7:24:15PM (1) 255:9 7:24:23PM (1) 255:13 7:24:25PM (1) 255:14 7:24:38PM (1) 255:17 7:24:49PM (1) 255:18 7:25:02PM (1) 255:23 7:25:14PM (1) 256:3 7:25:20PM (1) 256:6 7:25:26PM (1)	256:7 7:25:27PM (1) 256:8 7:25:31PM (1) 256:9 7:25:32PM (1) 256:10 7:25:34PM (1) 256:11 7:25:35PM (1) 256:12 7:25:46PM (1) 256:17 7:25:55PM (1) 256:18 7:25:59PM (1) 256:20 7:26:01PM (1) 256:21 7:26:22PM (1) 257:4 7:26:27PM (1) 257:6 7:26:39PM (1) 257:9 7:26:43PM (1) 257:11 7:26:47PM (1) 257:13 7:26:52PM (1) 257:14 7:26:54PM (1) 257:16 7:26:59PM (1) 257:18 7:27:00PM (1) 257:19 7:27:03PM (1) 257:21 7:27:04PM (1) 257:22 7:27:05PM (1) 257:23 7:27:25PM (1) 257:24 7:27:32PM (1) 258:3 7:27:33PM (1) 258:4 7:27:43PM (1) 258:5 7:27:49PM (1) 258:8 7:27:51PM (1) 258:10 7:27:53PM (2) 258:11,12 7:27:56PM (1)	258:13 7:28:00PM (1) 258:15 7:28:11PM (1) 258:17 7:28:25PM (1) 258:21 7:28:28PM (1) 258:23 7:28:33PM (1) 258:25 7:28:42PM (1) 259:4 7:28:44PM (1) 259:5 7:28:52PM (1) 259:8 7:28:57PM (1) 259:9 7:29:15PM (1) 259:14 7:29:17PM (1) 259:15 7:29:19PM (1) 259:16 7:29:33PM (1) 259:20 7:29:34PM (1) 259:21 7:29:36PM (1) 259:22 7:29:37PM (1) 259:23 7:29:40PM (1) 259:25 7:29:43PM (1) 260:2 7:29:45PM (1) 260:3 7:29:49PM (1) 260:4 7:29:51PM (1) 260:5 7:29:54PM (2) 260:7,8 7:29:55PM (1) 260:9 7:30:00PM (1) 260:11 7:30:05PM (1) 260:13 7:30:07PM (1) 260:14 7:30:08PM (1) 260:15 7:30:10PM (1) 260:16 7:30:17PM (1)
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260:19	263:6	265:17	267:22	269:24
7:30:19PM (2)	7:32:42PM (1)	7:34:58PM (1)	7:36:58PM (1)	7:39:11PM (1)
260:20,21	263:7	265:19	267:25	270:2
7:30:21PM (1)	7:32:48PM (1)	7:35:01PM (1)	7:37:01PM (1)	7:39:16PM (1)
260:22	263:9	265:20	268:2	270:4
7:30:22PM (1)	7:32:55PM (1)	7:35:04PM (1)	7:37:02PM (1)	7:39:17PM (1)
260:23	263:12	265:22	268:3	270:5
7:30:23PM (1)	7:32:58PM (2)	7:35:07PM (1)	7:37:14PM (1)	7:39:23PM (2)
260:24	263:14,15	265:24	268:7	270:8,9
7:30:24PM (1)	7:33:03PM (1)	7:35:11PM (1)	7:37:27PM (1)	7:39:31PM (1)
260:25	263:17	265:25	268:8	270:12
7:30:26PM (1)	7:33:04PM (1)	7:35:13PM (1)	7:37:31PM (1)	7:39:37PM (1)
261:2	263:18	266:2	268:11	270:13
7:30:27PM (1)	7:33:10PM (1)	7:35:20PM (1)	7:37:33PM (1)	7:39:39PM (1)
261:3	263:20	266:5	268:12	270:14
7:30:47PM (1)	7:33:14PM (1)	7:35:23PM (1)	7:37:38PM (1)	7:39:40PM (1)
261:8	263:22	266:6	268:13	270:15
7:30:48PM (1)	7:33:19PM (1)	7:35:41PM (1)	7:37:48PM (1)	7:39:45PM (1)
261:9	263:24	266:9	268:16	270:16
7:30:55PM (2)	7:33:23PM (1)	7:35:44PM (1)	7:37:49PM (1)	7:39:48PM (1)
261:12,13	264:2	266:11	268:17	270:17
7:31:09PM (2)	7:33:25PM (2)	7:35:45PM (1)	7:37:51PM (1)	7:39:56PM (1)
261:17,18	264:4,5	266:12	268:18	270:20
7:31:14PM (1)	7:33:30PM (1)	7:35:47PM (1)	7:37:52PM (1)	7:40:01PM (1)
261:20	264:7	266:14	268:19	270:21
7:31:21PM (1)	7:33:37PM (1)	7:35:48PM (1)	7:37:59PM (1)	7:40:02PM (1)
261:21	264:9	266:16	268:21	270:22
7:31:27PM (1)	7:33:51PM (1)	7:36:02PM (1)	7:38:02PM (1)	7:40:04PM (1)
261:25	264:12	266:22	268:22	270:23
7:31:28PM (1)	7:34:02PM (1)	7:36:03PM (1)	7:38:05PM (1)	7:40:07PM (1)
262:2	264:16	266:23	268:24	270:25
7:31:36PM (1)	7:34:05PM (1)	7:36:04PM (1)	7:38:09PM (1)	7:40:12PM (1)
262:3	264:17	266:24	269:2	271:4
7:31:51PM (1)	7:34:06PM (2)	7:36:05PM (1)	7:38:15PM (1)	7:40:13PM (1)
262:9	264:18,19	266:25	269:4	271:5
7:31:52PM (1)	7:34:08PM (1)	7:36:06PM (1)	7:38:16PM (1)	7:40:15PM (1)
262:10	264:20	267:2	269:5	271:6
7:31:59PM (1)	7:34:10PM (1)	7:36:08PM (1)	7:38:31PM (1)	7:40:17PM (1)
262:12	264:21	267:3	269:7	271:7
7:32:01PM (1)	7:34:18PM (1)	7:36:14PM (1)	7:38:34PM (2)	7:40:22PM (1)
262:13	264:24	267:5	269:8,9	271:10
7:32:04PM (1)	7:34:20PM (1)	7:36:18PM (1)	7:38:37PM (1)	7:40:25PM (2)
262:14	264:25	267:6	269:11	271:12,13
7:32:06PM (1)	7:34:21PM (1)	7:36:20PM (1)	7:38:38PM (1)	7:40:28PM (1)
262:15	265:2	267:7	269:12	271:14
7:32:13PM (1)	7:34:30PM (1)	7:36:23PM (1)	7:38:39PM (1)	7:40:33PM (1)
262:19	265:5	267:8	269:13	271:16
7:32:16PM (1)	7:34:35PM (1)	7:36:34PM (1)	7:38:46PM (1)	7:40:37PM (1)
262:20	265:6	267:12	269:15	271:18
7:32:20PM (1)	7:34:38PM (1)	7:36:35PM (1)	7:38:48PM (1)	7:40:38PM (1)
262:22	265:8	267:13	269:16	271:19
7:32:29PM (1)	7:34:42PM (1)	7:36:48PM (1)	7:38:52PM (1)	7:40:41PM (1)
262:25	265:9	267:17	269:18	271:20
7:32:33PM (1)	7:34:43PM (1)	7:36:49PM (2)	7:38:59PM (1)	7:40:50PM (1)
263:2	265:10	267:18,19	269:22	271:21
7:32:38PM (1)	7:34:54PM (2)	7:36:51PM (2)	7:39:00PM (1)	7:40:57PM (1)
263:5	265:15,16	267:20,21	269:23	271:24
7:32:40PM (1)	7:34:56PM (1)	7:36:53PM (1)	7:39:01PM (1)	7:41:02PM (1)

272:2	274:10,11	276:11	278:14	281:4,5
7:41:03PM (1)	7:43:17PM (1)	7:45:22PM (1)	7:47:05PM (1)	7:50:37PM (1)
272:3	274:12	276:15	278:15	281:6
7:41:06PM (1)	7:43:19PM (1)	7:45:23PM (1)	7:47:15PM (1)	7:50:49PM (1)
272:5	274:13	276:16	278:16	281:7
7:41:07PM (1)	7:43:20PM (1)	7:45:25PM (1)	7:47:20PM (1)	7:50:55PM (1)
272:6	274:14	276:17	278:18	281:8
7:41:18PM (1)	7:43:27PM (1)	7:45:31PM (1)	7:47:38PM (1)	7:50:58PM (1)
272:9	274:17	276:19	278:22	281:9
7:41:23PM (1)	7:43:28PM (1)	7:45:43PM (1)	7:47:41PM (1)	7:50:59PM (1)
272:11	274:18	276:24	278:23	281:10
7:41:26PM (1)	7:43:29PM (1)	7:45:49PM (1)	7:48:10PM (1)	7:51:00PM (1)
272:12	274:19	276:25	279:7	281:11
7:41:31PM (1)	7:43:32PM (1)	7:45:52PM (1)	7:48:14PM (2)	7:51:05PM (1)
272:15	274:21	277:2	279:9,10	281:12
7:41:32PM (1)	7:43:33PM (1)	7:45:55PM (1)	7:48:27PM (1)	7:51:14PM (1)
272:16	274:22	277:3	279:12	281:15
7:41:33PM (1)	7:43:34PM (1)	7:45:56PM (1)	7:48:30PM (1)	7:51:18PM (1)
272:17	274:23	277:4	279:14	281:17
7:41:35PM (2)	7:43:39PM (1)	7:45:57PM (1)	7:48:53PM (1)	7:51:20PM (1)
272:18,19	274:25	277:5	279:15	281:19
7:41:36PM (1)	7:43:46PM (1)	7:45:59PM (2)	7:49:03PM (1)	7:51:24PM (1)
272:20	275:4	277:6,7	279:19	281:22
7:41:37PM (1)	7:43:48PM (1)	7:46:01PM (1)	7:49:12PM (1)	7:51:29PM (1)
272:21	275:5	277:8	279:20	281:23
7:41:42PM (1)	7:43:57PM (1)	7:46:02PM (1)	7:49:14PM (1)	7:51:30PM (1)
272:23	275:6	277:9	279:21	281:24
7:41:46PM (1)	7:43:59PM (1)	7:46:07PM (1)	7:49:22PM (1)	7:51:36PM (2)
272:25	275:7	277:10	279:25	282:3,4
7:41:47PM (1)	7:44:03PM (1)	7:46:10PM (2)	7:49:28PM (1)	7:51:48PM (1)
273:2	275:9	277:11,12	280:2	282:10
7:41:53PM (1)	7:44:04PM (2)	7:46:11PM (1)	7:49:30PM (1)	7:51:49PM (1)
273:4	275:10,11	277:13	280:4	282:11
7:42:02PM (2)	7:44:08PM (1)	7:46:12PM (1)	7:49:32PM (1)	7:51:50PM (1)
273:8,9	275:13	277:14	280:6	282:12
7:42:03PM (1)	7:44:10PM (1)	7:46:13PM (2)	7:49:45PM (1)	7:52:00PM (1)
273:10	275:15	277:15,16	280:11	282:14
7:42:05PM (1)	7:44:14PM (1)	7:46:14PM (1)	7:49:55PM (1)	7:52:22PM (1)
273:12	275:16	277:17	280:15	282:20
7:42:06PM (1)	7:44:16PM (1)	7:46:23PM (2)	7:49:56PM (1)	7:52:24PM (1)
273:13	275:18	277:21,22	280:16	282:21
7:42:11PM (1)	7:44:19PM (1)	7:46:26PM (1)	7:49:58PM (1)	7:52:25PM (1)
273:16	275:19	277:23	280:17	282:22
7:42:14PM (1)	7:44:23PM (1)	7:46:30PM (1)	7:50:09PM (1)	7:52:36PM (1)
273:17	275:20	277:25	280:18	283:2
7:42:30PM (1)	7:44:26PM (1)	7:46:32PM (1)	7:50:12PM (1)	7:52:48PM (1)
273:20	275:22	278:2	280:20	283:6
7:42:31PM (1)	7:44:28PM (1)	7:46:47PM (1)	7:50:16PM (1)	7:52:50PM (1)
273:21	275:23	278:7	280:21	283:7
7:42:44PM (2)	7:44:56PM (1)	7:46:48PM (1)	7:50:17PM (1)	7:52:53PM (1)
273:25 274:2	275:24	278:8	280:22	283:8
7:42:56PM (1)	7:45:04PM (1)	7:46:53PM (1)	7:50:24PM (1)	7:52:55PM (1)
274:5	276:4	278:10	280:25	283:9
7:43:00PM (1)	7:45:06PM (1)	7:46:56PM (1)	7:50:27PM (1)	7:52:59PM (1)
274:6	276:6	278:11	281:2	283:10
7:43:07PM (1)	7:45:09PM (2)	7:46:58PM (1)	7:50:28PM (1)	7:53:09PM (1)
274:7	276:8,9	278:12	281:3	283:14
7:43:15PM (2)	7:45:12PM (1)	7:47:04PM (1)	7:50:32PM (2)	7:53:12PM (1)

283:16	286:23	8:00:58PM (1)		
7:53:13PM (1)	7:57:35PM (1)	289:16		
283:17	287:3	8:00:59PM (1)		
7:53:14PM (1)	7:57:40PM (1)	289:17		
283:18	287:5	8:01 (1)		
7:53:20PM (1)	7:57:55PM (1)	290:16		
283:21	287:8	8:01:12PM (1)		
7:53:34PM (1)	7:58:01PM (1)	289:21		
283:24	287:9	8:01:14PM (1)		
7:54:02PM (1)	7:58:12PM (1)	289:22		
284:8	287:13	8:01:15PM (1)		
7:54:09PM (1)	7:58:14PM (1)	289:23		
284:11	287:14	8:01:17PM (1)		
7:54:10PM (2)	7:58:24PM (1)	290:2		
284:12,13	287:18	8:01:18PM (1)		
7:54:13PM (1)	7:58:27PM (1)	290:3		
284:15	287:19	8:01:26PM (1)		
7:54:14PM (1)	7:58:39PM (1)	290:7		
284:16	287:21	8:01:30PM (1)		
7:54:18PM (1)	7:58:53PM (1)	290:8		
284:18	287:24	8:01:31PM (1)		
7:54:19PM (1)	7:58:55PM (1)	290:9		
284:19	287:25	8:01:35PM (1)		
7:54:20PM (1)	7:58:58PM (1)	290:11		
284:20	288:3	8:01:38PM (2)		
7:54:41PM (1)	7:59:02PM (1)	103:2 290:13		
284:25	288:4	8:01:40PM (1)		
7:55:11PM (1)	7:59:06PM (1)	290:14		
285:7	288:6	8:01:42PM (10)		
7:55:32PM (1)	7:59:09PM (1)	103:4 290:16,17,18		
285:10	288:7	290:19,19,20,20,21		
7:55:42PM (1)	7:59:19PM (1)	290:22		
285:14	288:9	8:30 (1)		
7:55:49PM (1)	7:59:46PM (1)	80:8		
285:16	288:17	82 (1)		
7:55:55PM (1)	7:59:51PM (1)	292:21		
285:18	288:19	85 (1)		
7:55:57PM (1)	7:59:57PM (1)	3:5		
285:19	288:20			
7:56:09PM (1)	73 (1)			
285:22	292:19			
7:56:16PM (1)				
285:25	8			
7:56:17PM (1)	8 (5)			
286:2	135:21 136:4,11			
7:56:25PM (1)	292:4,23			
286:5	8:00 (3)			
7:56:27PM (1)	42:15 191:3 242:21			
286:6	8:00:06PM (1)			
7:56:34PM (1)	288:23			
286:10	8:00:23PM (1)			
7:56:35PM (1)	289:3			
286:11	8:00:42PM (1)			
7:56:39PM (1)	289:9			
286:12	8:00:55PM (1)			
7:57:04PM (1)	289:14			
286:16	8:00:56PM (1)			
7:57:20PM (1)	289:15			